

Council Meeting of
May 9, 2006

Honorable Mayor and Members
of the City Council
City Hall
Torrance California

PUBLIC MEETING

Members of the Council:

SUBJECT: City Council consideration of an appeal of a Planning Commission approval of a Minor Hillside Exemption to allow a 4 foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 zone at 5364 Doris Way.

MIS06-00021: MARGARET MILLER

Expenditure: None

RECOMMENDATION

The Planning Commission and Community Development Director recommend that the City Council deny the appeal and adopt a Resolution approving a Minor Hillside Exemption to allow a 4 foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way.

FUNDING

Not applicable

BACKGROUND

This is a request for approval to allow a 4 foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 zone at 5364 Doris Way. On January 26th, 2006, the Community Development Director approved a Minor Hillside Exemption to allow the construction of the 4 foot fence with conditions. The property owner of 5372 Doris Way appealed the approval to the Planning Commission. The Planning Commission denied the appeal and approved the request as conditioned. The property has appealed the Planning Commission's decision to the City Council for consideration of the subject request.

PRIOR MEETINGS AND PUBLICATIONS

The project was scheduled to be presented to the Planning Commission on February 15th, 2006. On February 2nd, 2006, 3 notices of the Public Meeting were sent to adjacent property owners of the subject property. At the February 15th, 2006 Planning Commission meeting the item was continued to March 1st, 2006 upon the appellants request and the site was posted February 23rd, 2006.

The project was scheduled to be presented to the City Council on May 9th, 2006. On April 27th, 2006, 3 notices of public meeting were sent to property owners in the vicinity of the subject property and the site was posted. A legal advertisement of the public meeting was published in the newspaper on April 29th, 2006.

ENVIRONMENTAL FINDINGS

Construction of a fence on property improved with an single-family residence is Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e).

ANALYSIS

The 10,500 square foot subject lot is predominately rectangular in shape with the exception of a radius street frontage. The property is currently developed with a two-story single-family residence and an attached front facing one-car garage. Properties along Doris Way gain in elevation when proceeding southeast from Robert Road creating tiered lots along the street. The applicant requests approval of a 4 foot high fence in the front yard along the western property line on a property located within the Hillside Overlay District. There are no structures proposed in addition to the fence and there are no modifications proposed to the existing residence at this time.

The applicant obtained a building permit for a 3 foot high fence that extended 24 feet back of the front property line. Fences/walls 3 feet or less typically do not require a building permit, however, because of the proximity of the proposed fence to the existing retaining wall at 5372 Doris Way, a permit was required to ensure that the proper footings were used and to prevent a surcharge on the existing retaining wall. The property owners of 5372 Doris Way filed a complaint with the Environmental Division due to concerns with the possibility of a surcharge onto their wall, a significant view impairment and a concern that the fence will not provide sufficient visibility of westward bound traffic along Doris Way.

Through the Minor Hillside Exemption process, potential view, light, air, and privacy impacts to surrounding properties are evaluated. After an inspection of the property, staff determined that the subject fence would not create significant view, light, air, or privacy impacts to surrounding properties. The site inspection did however, lead Development Review and Environmental Division staff members to conclude that the proposed fence would have created a 3 foot encroachment into the required line of sight. The applicants agreed to comply with a 3-foot reduction in the length of the fence provided they could increase the height by 1 foot for an overall fence height of 4 feet. After determining that there does not appear to be the potential for any significant view impairments as a result of the proposed fence, staff did not object to the request to increase the height to 4 feet as it is within the height allowed by the Torrance Municipal Code allowed in the R-1 zone.

Therefore, based on the analysis presented above, staff continues to recommend approval of this fence subject to the conditions set forth in the attached resolution.

PLANNING COMMISSION RECOMMENDATION

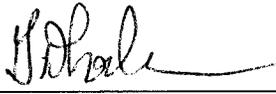
The Planning Commission considered the proposal on March 1st, 2006. The applicant, Margaret Miller, agreed to all the conditions. Mr. Williams, 5372 Doris Way, expressed his concerns regarding view loss, plant shadows, traffic hazards and promulgation of whirlwinds related to the 4-foot fence. Several other neighbors in the area voiced their support of the fence for safety reasons. The Planning Commissioners closed the public hearing and discussed the matter further. Commissioner Faulk stated he was disappointed that the issue could not be worked out between the two neighbors but would be in support of the project for several reasons. Mr. William's view, in his opinion, was oriented in the opposite direction of the proposed fence, that the line of sight concerns had been addressed by the condition number 4, and did not agree that the proposed fence would have an effect on the spread of pollutants. Commissioner Faulk then made a motion to deny the appeal and approve the project as conditioned. The motion was seconded and passed by a vote of 6 to 0 with Commissioner Drevno abstaining.

Respectfully submitted,

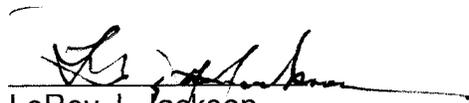
Jeffery W. Gibson
Community Development Director

CONCUR:


Jeffery W. Gibson
Community Development Director

By 
Gregg D. Lodan, AICP
Planning Manager

NOTED:


LeRoy J. Jackson
City Manager

Attachments:

- A. Resolution
- B. Location and Zoning Map
- C. Appeal Request
- D. Minutes Excerpt for 02/15/2006 and 03/01/2006 Planning Commission Meetings
- E. Staff Report(s) and Supplemental(s) for Planning Commission Meeting
- F. Additional Correspondence
- G. Proofs of Publication and Notification
- H. Site Plan, Elevations & Detail (Limited Distribution)
- I. Mayor's Script (Limited Distribution)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A 4 FOOT FENCE ALONG THE WESTERN PROPERTY LINE IN THE FRONT YARD ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 5364 DORIS WAY.

MIS06-00021: MARGARET MILLER

WHEREAS, the Planning Commission of the City of Torrance conducted a public meeting on February 15, 2006, to consider an appeal of the Community Development Director's approval of a Minor Hillside Exemption filed by Margaret Miller to allow a 4 foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way; and

WHEREAS, the Planning Commission continued the request to the March 1st, 2006 meeting; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal meetings have been held, all in accordance with the provisions of Division 9, Chapter 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, the project is determined to be Categorically Exempt from California Environmental Quality Act (CEQA) pursuant to the 2005 Guidelines for Implementation by Section 15301; and

WHEREAS, the Planning Commission recommended approval of MIS06-00021 to the City Council; and

WHEREAS, the City Council conducted a duly noticed public meeting on May 1, 2006 to consider MIS06-00021; and

WHEREAS, the City Council finds that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Game Code; and

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND AND DETERMINE AS FOLLOWS:

A) That the property address is 5364 Doris Way.

- B) That the property is located on Lot 16, Block 1 of Tract # 15397.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site.
- D) The proposed fence, as conditioned, will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity because there are does not appear to exist any view corridors that obstructed by the fence that are significant in nature.
- E) The proposed fence, as conditioned, has been located, planned and designed so as to avoid encroachment into the line of sight for the adjoining property and does not appear to intrude on the views, light, air and privacy of other properties in the vicinity since the proposed fence is only four feet high.
- F) The proposed fence provides an orderly and attractive design that will improve the amount of useable rear yard recreation space and the residence is in harmony with other properties in the vicinity.
- G) The proposed fence will not have a harmful impact upon the land values and investment of other properties in the vicinity because the proposed fence does not result in a significant view impairment and has been conditioned to comply with the line of sight standard.
- H) The granting of such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a single-family residence is an appropriate use for this property and the proposed fence request represents a minor modification to an existing residence.
- I) The proposed fence would not cause or result in an adverse cumulative impact on other properties in the vicinity because it will not cause significant view, light, air, or privacy impacts and will comply with the development standards of the R-1 Zone.

NOW, THEREFORE, BE IT RESOLVED that MIS06-00021, filed by Margaret Miller to allow a 4 foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Minor Hillside Exemption 06-00021 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval;

- 2. That if this Minor Hillside Exemption MIS06-00021 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
- 3. The applicant shall obtain all necessary building permits and safety inspections; (Building and Safety) and
- 4. The applicant shall eliminate the front 3 feet of the proposed fence to the satisfaction of the Community Development Director; (Development Review)
- 5. That any conditions of other departments received prior to or during the meeting shall be met.

Mayor of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

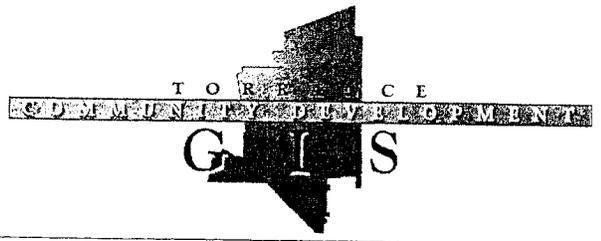
JOHN FELLOWS III, City Attorney

By _____



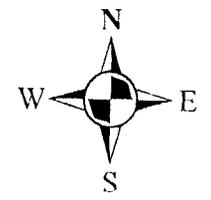
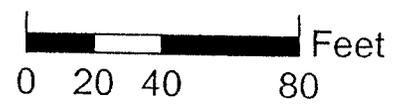
LOCATION AND ZONING MAP

5364 DORIS WAY
MIS06-00021



Legend

-  Subject Property
-  Notification Area



CITY OF TORRANCE**INTEROFFICE COMMUNICATION****DATE: March 9, 2006**

TO: Jeffery Gibson, Community Development

FROM: City Clerk's Office

SUBJECT: Appeal 2006-05

Attached is Appeal 2006-05 received in this office on March 9, 2006 from James Williams, 5372 Doris Way, Torrance, CA 90505. This appeal is of the Planning Commission's denial on March 1, 2006 regarding MIS06-00021: MARGARET MILLER located at 5364 Doris Way, Torrance, CA 90505 citing appellant has additional information to present that may reverse the decision of the Planning Commission.

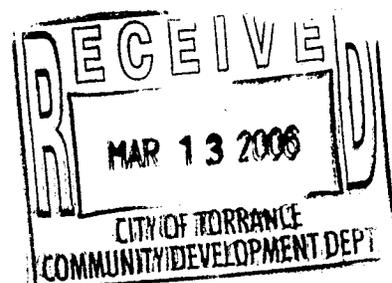
The appeal fee of \$160.00, paid by check, has been accepted by the Office of the City Clerk.

TMC SECTION 11.5.3. PROCEDURE AFTER FILING.

- a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.
- b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.


Sue Herbers, CMC
City Clerk

cc: Building and Safety
City Council



	<h2 style="margin: 0;">CITY OF TORRANCE</h2> <h3 style="margin: 0;">APPEAL FORM</h3>
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AN APPEAL TO:

- City Council
- Planning Commission
- _____

RETURN TO:

Office of the City Clerk
 3031 Torrance Boulevard
 Torrance CA 90509-2970
 310/618-2870

RE: MIS06-00021; MARGARET MILLER
 (Case Number and Name)

Address/Location of Subject Property 5364 DORIS WAY
 (If applicable)

Decision of:

- | | |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Administrative Hearing Board <input type="checkbox"/> Airport Commission <input type="checkbox"/> Civil Service Commission <input type="checkbox"/> Environmental Quality & Energy Conservation Commission | <ul style="list-style-type: none"> <input type="checkbox"/> License Review Board <input checked="" type="checkbox"/> Planning Commission <input type="checkbox"/> Community Development Director <input type="checkbox"/> Special Development Permit <input type="checkbox"/> Other _____ |
|--|--|

Date of decision: 03-01-06 **Appealing:** APPROVAL DENIAL

Reason for Appeal: *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.*

I HAVE ADDITIONAL INFORMATION TO
PRESENT THAT MAY REVERSE THE DECISION
OF THE PLANNING COMMISSION

Name of Appellant JAMES WILLIAMS

Address of Appellant 5372 DORIS WAY

Telephone Number (310) 316-3959

Signature James Williams

Appeal Fee paid \$ <u>160.00</u>	For office use only:	Date <u>3/09/06</u>	Received by <u>[Signature]</u>
<p>Notice to: Community Development Department: <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Building & Safety</p> <p><input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Other Department(s) _____</p>			

EXCERPT OF MINUTES

√ **Minutes Approved**
 ~~Minutes Subject to Approval~~

February 15, 2006

**MINUTES OF A REGULAR MEETING OF
 THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:05 p.m. on Wednesday, February 15, 2005, in City Council Chambers at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Busch, Drevno*, Fauk, Gibson, Horwich, and Chairperson Uchima.
 *Arrived at 9:10 p.m.

Absent: None.

Also Present: Planning Manager Isomoto, Planning Assistant Hurd, Deputy City Attorney Whitham, Fire Marshal Kazandjian, Fire Marshal Carter, Associate Civil Engineer Symons, and Plans Examiner Nishioka.

Planning Manager Isomoto noted that Commissioner Drevno requested an excused absence because she has another commitment this evening, but will come to the meeting afterward if time permits.

MOTION: Commissioner Browning, seconded by Commissioner Busch, moved to grant Commissioner Drevno an excused absence; voice vote reflected unanimous approval.

13. MISCELLANEOUS ITEMS

13A. MIS06-00021: MARGARET MILLER

Planning Commission review of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow a 4-foot fence along the western side yard in the front yard on property located within the Hillside Overlay District in the R-1 Zone at 5364 Doris Way.

Continued to March 1, 2006.

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EXCERPT OF MINUTES

Minutes Approved
 Minutes Subject to Approval

March 1, 2006

**MINUTES OF A REGULAR MEETING OF
 THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:05 p.m. on Wednesday, March 1, 2005, in City Council Chambers at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Busch, Drevno, Fauk, Gibson, Horwich, and Chairperson Uchima.

Absent: None.

Also Present: Sr. Planning Associate Lodan, Planning Assistant Naughton, Deputy City Attorney Whitham, Fire Marshal Kazandjian, Building Regulations Administrator Segovia, and Associate Civil Engineer Symons.

13. MISCELLANEOUS ITEMS

13A. MIS06-00021: MARGARET MILLER

Planning Commission review of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow a four-foot fence along the western property line in the front yard on property located within the Hillside Overlay District in the R-1 Zone at 5364 Doris Way.

Recommendation

Approval.

Planning Assistant Naughton introduced the request.

Commissioner Drevno announced that she was abstaining from consideration of this item because Karen Williams, the daughter of the appellants, sent a letter questioning her ability to be fair and impartial after observing her interaction with the appellants and the applicant during a site visit. She stated that although Ms. Williams' interpretation of what she observed was incorrect, she felt it was best to abstain.

Commissioner Busch stated that he believed Ms. Drevno's actions in viewing the property were entirely appropriate and that he saw no reason for her to abstain from this item, but would respect her decision to do so.

SUBJECT TO APPROVAL

Commissioner Horwich stated that he also would respect Ms. Drevno's decision to excuse herself from this hearing, but wanted it known that he had complete faith in her integrity and did not believe it was necessary.

Marge Miller, 5364 Doris Way, applicant, reported that she has made many improvements to the front of her property and the proposed fence will complete the project. She voiced her agreement with the recommended conditions of approval.

James Williams, 5372 Doris Way, voiced his opposition to the proposed fence, contending that it would violate TMC Section 91.41.6 (a), (b), (c) and (d). Submitting documents to illustrate, he maintained that the fence would block his view, shadow his plants, create a traffic hazard, and restrict natural airflow thereby forcing whirlwinds of contaminated air onto his property. He expressed concerns that the fence would interfere with his view of traffic when backing out of the driveway with his boat. He noted that the documents submitted include an explanation of the "Reynolds effect," a phenomenon that occurs when airflow is restricted creating high-speed swirling winds that spread pollutants. He reported that his wife has an asthmatic condition, which makes airborne pollutants a major concern. He suggested that the fence is a "spite fence," as it would serve no purpose and would not even match the fence on the other side of the property. He stated that he and his neighbor used to have a cordial relationship, but they have been at odds for the past few years and the City has offered to provide free arbitration, but Ms. Miller declined.

Commissioner Browning questioned whether winds of the velocity necessary to trigger the Reynolds effect commonly occur in the Riviera area. Mr. Williams reported that he has experienced winds of 50-60 miles an hour in his neighborhood; conceded that westerly winds are more prevalent, in which case debris from his yard blows into Ms. Miller's yard; and estimated that the wind blows in the opposite direction approximately 35% of the time.

Commissioner Busch questioned whether Mr. Williams was concerned about the height of the fence or was opposed to any fence. Mr. Williams indicated that he was opposed to any fence or even a hedge at this location.

In response to Commissioner Busch's inquiry, Sr. Planning Associate Lodan advised that no permit would be required for the planting of a hedge.

June Lee, 5245 Vanderhill Road, urged approval of the project. She reported that she built a fence similar to the one proposed for safety reasons because her neighbor has a stair-stepped block wall like Mr. Williams' wall, which children were using as a balance beam. She disputed the idea that the fence would be a safety hazard for vehicles backing out of the driveway.

Brenda Short, 5359 Bindewald Road, voiced support for the project, maintaining that it would improve safety, create a more balanced look for the property, and provide more privacy for the Williams. She doubted that the fence would have any impact on the Williams' view because they usually have a van parked in the driveway that obstructs the view in this direction.

Monika Weidemann, 5356 Doris Way, stated that she appreciates the improvements Ms. Miller has made to her property and that she supports the proposed fence and believes it will benefit both parties by giving them more privacy.

SUBJECT TO APPROVAL

Pam Martel, 5265 Zakon Road, stated that she also appreciates the improvements Ms. Miller has made, particularly the addition of a sidewalk. She stressed the safety aspect of the fence, noting that her neighbor was required to put a fence on top of a retaining wall for safety reasons.

In response to Chairperson Uchima's inquiry, Building Regulations Administrator Segovia advised that the Code requires that some type of guardrail be placed on a retaining wall if there is a 30-inch or greater difference in elevation.

Karen Miller, 5364 Doris Way, responded to Mr. Williams' comments. Submitting photographs to illustrate, she explained that boat trailers in Mr. Williams' yard are arranged in such a way that he can back into the driveway, attach the trailer, and then pull out facing forward onto Doris Way, therefore the fence would not be a safety hazard. She reported that Mr. Williams often uses a blower to clean his driveway, which is not the action of someone who is concerned about airborne contaminants. With regard to view impact, she noted that Mr. Williams' primary view is to the north and the west and that there is usually a van parked in the driveway blocking the view in question.

Returning to the podium, Marge Miller explained that she would like to build the fence because Mr. Williams works on cars in his driveway and this is something she would prefer not to see.

Commissioner Horwich questioned why Ms. Miller was proposing a wood fence, rather than something more in keeping with masonry improvements in her front yard, and Ms. Miller explained that the fence would match the existing fence on that side of the house.

MOTION: Commissioner Faulk, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Faulk indicated that he would support the proposed fence as conditioned and expressed disappointment that the two parties were not able to resolve this matter on their own. He stated that the study submitted by Mr. Williams on the Reynolds effect was quite technical, however, he did notice that it referred to fertilizers and contaminants used in an agricultural setting and doubted that the proposed fence would have any effect on the spread of airborne pollutants. He further stated that he did not believe that the fence would have a significant impact on Mr. Williams' view because his house is oriented to take advantage of the view in the opposite direction. He noted that safety issues were addressed by the condition requiring the fence to be cut back by three feet (Condition No. 4) to preserve an adequate line-of-sight.

MOTION: Commissioner Faulk moved for the approval of MIS06-00021, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote, with Commissioner Drevno abstaining.

Commenting on his vote, Commissioner Horwich stated that he was in no position to judge the validity of the material presented on the Reynolds effect and while he empathizes with someone who suffers from bronchial problems, he was not convinced that the proposed fence would do anything to exacerbate them.

SUBJECT TO APPROVAL

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution No. 06-030.

MOTION: Commissioner Bush moved for the adoption of Planning Commission Resolution No. 06-030. The motion was seconded by Commissioner Browning and passed by unanimous call vote, with Commissioner Drevno abstaining.

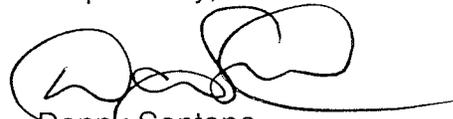
Commissioner Drevno returned to the dais.

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SUPPLEMENTAL #1 TO AGENDA ITEM NO. 13A**TO:** Members of the Planning Commission**FROM:** Development Review Division**DATE:** March 1st, 2006**SUBJECT:** MIS06-00021 - Margaret Miller**LOCATION:** 5364 Doris Way

The appeal form for a different case was inadvertently attached to the staff report. The correct appeal filed for the subject case is attached for your review as well as additional correspondence that was submitted after the item was completed. The Community Development Department continues to recommend approval of the subject requests as conditioned.

Prepared by,



Danny Santana
Planning Associate

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

Attachments:

- 1.) Filed Appeal of MIS06-00021
- 2.) Public Correspondence

JANE/BAREGG

CITY OF TORRANCE

INTEROFFICE COMMUNICATION

DATE: February 6, 2006

TO: Jeffery Gibson, Community Development

FROM: City Clerk's Office

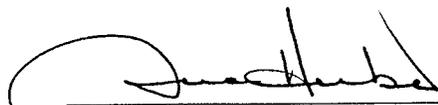
SUBJECT: Appeal 2006-02

Attached is Appeal 2006-02 received in this office on February 1, 2006 from James A. Williams, 5372 Doris Way, Torrance, CA 90505. This appeal is of the Community Development Director's approval on January 26, 2006 regarding MIS06-00021 located at 5364 Doris Way, Torrance, CA citing all impacts of this fence were not considered by the Planning Department.

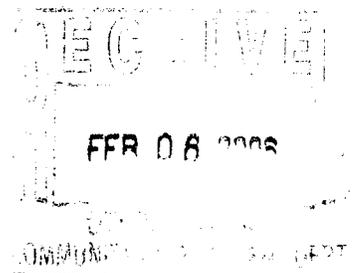
The appeal fee of \$50.00, paid by cash, has been accepted by the Office of the City Clerk.

TMC SECTION 11.5.3. PROCEDURE AFTER FILING.

- a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.
- b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.


 Sue Herbers, CMC
 City Clerk

cc: Building and Safety
 City Council





CITY OF TORRANCE APPEAL FORM

AN APPEAL TO:

- City Council
- Planning Commission
- _____

RETURN TO:

Office of the City Clerk
 3031 Torrance Boulevard
 Torrance CA 90509-2970
 310/618-2870

RECEIVED CITY CLERK
 2006 FEB - 1 PM 3:53
 CITY OF TORRANCE
 @Counter

RE: M1506-00021
 (Case Number and Name)

Address/Location of Subject Property 5364 DORIS WAY
 (If applicable)

Decision of:

- | | |
|---|--|
| <input type="checkbox"/> Administrative Hearing Board | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input checked="" type="checkbox"/> Community Development Director |
| <input type="checkbox"/> Environmental Quality & Energy Conservation Commission | <input type="checkbox"/> Special Development Permit |
| | <input type="checkbox"/> Other _____ |

Date of decision: 1-26-06 Appealing: APPROVAL DENIAL

Reason for Appeal: *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.*

I FEEL THAT ALL IMPACTS OF THIS FENCE TO THE HOMEOWNER AT 5372 DORIS WAY WERE NOT CONSIDERED BY THE PLANNING DEPARTMENT.

Name of Appellant JAMES A. WILLIAMS

Address of Appellant 5372 DORIS WAY

Telephone Number (310) 316-3958

Signature James A. Williams

Appeal Fee paid \$ <u>100.00</u> ^{450.00} For office use only Date <u>2-1-2006</u> Received by <u>de</u> CASH	
Notice to: <input type="checkbox"/> Community Development Department <input type="checkbox"/> City Council <input type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Other Department(s)	<input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building & Safety

Santana, Danny

From: mark barthold [B-home@msn.com]
Sent: Monday, February 27, 2006 11:25 AM
To: DSantana@torrnet.com
Subject: Marge Miller fence, 5364 Doris way

Danny,
Please find an attached letter to support the building of a fence at 5364 Doris Way for Marge Miller. Please attach this letter to their packet for Wednesday March 1, 2006 planning meeting.
Thank you
Mark and Pam Barthold

FEB 27 2006

February 16, 2006

Mr. And Mrs. Mark Barthold
5264 Zakon Road
Torrance, CA 90505

Reference

Ms. Marge Miller
5364 Doris Way
Torrance, CA 90505
Fence construction

To the City of Torrance Planning department, Attention : Mr. Danny Santana,

I am a homeowner at 5264 Zakon Road in Torrance. Every day I walk my 3 small children in front of 5364 Doris Way to get to the little league fields, beach, or stores. I find that the present condition of a very high retaining wall with a 5-6 foot drop off at a steep incline of the street a hazard and Danger. I am very pleased and support the construction of fence so my children can't run up on the lawn then jump off the retaining wall or teeter down it to the street level. I would like to see it extend even more to allow for only a 3 foot drop off at the retaining wall, a much safer level for children.

My neighbor at 5248 Zakon road constructed a new retaining wall in 2005 and couldn't get a permit until a four foot fence was constructed on top of the retaining wall where it was greater than 3 or 4 feet. This should also be required at 5364 Doris way.

Thank you for your consideration,

Mark and Pam Barthold

4734

Karen C. Williams
5372 Doris Way
Torrance, CA 90505
(310) 316-3958

VIA FACSIMILE & FIRST CLASS MAIL

February 27, 2006

FEB 28 2006

Mr. John Fellows
City Attorney
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90503

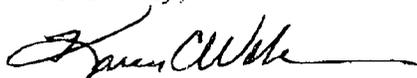
RE: Planning Commission Hearing, Wednesday, March 1, 2006
Case No. MIS06-00021: Margaret Miller

Dear Mr. Fellows;

Attached please find a letter which I am submitting to the City of Torrance Planning Commission this Wednesday, March 1, 2006 in relation to Case No. MIS06-00021: Margaret Miller. I am forwarding you a copy of this letter so that it may be included in record pertaining to Case No. MIS06-00021: Margaret Miller.

Thank you and should you have any questions, please feel free to contact me at (310) 316-3958.

Sincerely;


Karen C. Williams

KW

Enclosures (1)

C: Mr. Peter Stoterau, Esq.
File

Karen C. Williams
5372 Doris Way
Torrance, CA 90505
(310) 316-3958

February 26, 2006

Planning Commission Members
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90509-2970

RE: Case No. MIS06-00021; Margaret Miller

Dear Planning Commission Members;

I, Karen C. Williams who resides at 5372 Doris Way, Torrance, CA 90505, on the afternoon of Sunday, February 26, 2006 witnessed Ms. Gene Drevno, from the City of Torrance Planning Commission, visit and inspect the properties of both Mr. & Mrs. James A. Williams, (who reside at my same address), and Ms. Margaret Miller who resides at 5364 Doris Way, Torrance, CA 90505.

I first witnessed Ms. Drevno visually inspect the area (the area being; pertaining to Case No. MIS06-00021; Margararet Miller). I then witnessed Ms. Drevno briefly speak to both Mr. & Mrs. Williams, who had been on their way to Sunday church services, regarding the issues that were in relation to the proposed construction site of a fence on Ms. Millers property.

Furthermore, I witnessed Mr. & Mrs. Williams try and discuss the negative impacts their residence would incur if the City of Torrance Planning Commission passed and allowed such a fence to be built. Ms. Drevno upon Mr. & Mrs. Williams explanations, held a file folder up to the side of her face so as to impair and prevent Mr. & Mrs. Williams from being able to speak to her face directly.

Next, after Mr. & Mrs. Williams had left their property for church services, I witnessed Ms. Drevno speak to Ms. Margaret Miller regarding the area in question. At this time, I then witnessed a short conversation between both parties (being Ms. Drevno & Ms. Miller), which ended in Ms. Drevno physically hugging Ms. Margaret Miller and then Ms. Drevno told Ms. Miller directly "Don't worry, everything will be alright. You are not going to have any problems with this."

I then witnessed Ms. Drevno return to her automobile; speak to a passenger who was sitting inside her car, while pointing at Mr. & Mrs. Williams property. I then overheard Ms. Miller make comments to a contractor who was performing work on her property at

this same time explaining to him that she was just told by a Planning Commission member that she "had nothing to worry about" and that she would be able to "build her fence." He replied to her, "That's great!"

I hope that the Planning Commission members will take the aforementioned witnessed account into consideration as it indicated that Ms. Drevno may not have the capacity to act in an impartial manner regarding the proposed project. Clearly Ms. Drevno and Ms. Miller have a "friendly relationship", to what extent is unknown, but obviously their relationship is close enough that Ms. Drevno and Ms. Miller are comfortable expressing physical affection towards one another. It is my feeling that this "friendship" may prevent Ms. Drevno from acting in an impartial objective manner. Furthermore, Ms. Drevno and Ms. Millers friendship may represent a conflict of interest in relation to this proposed project as well as any other subject matter between Mr. & Mrs. Williams and Ms. Margaret Miller in which the City of Torrance Planning Commission may hear upon.

I appreciate the Planning Commission members considering the statement I have made today, and I hope that they will all act in fairness and impartiality. Furthermore, I hope out of fairness to Mr. & Mrs. Williams, that Ms. Drevno's vote be withheld, stricken and/or disallowed from these proceedings regarding the issues between Mr. & Mrs. Williams and Ms. Margaret Miller. Thank you.

Sincerely;


Karen C. Williams

KW

C: Mr. John Fellows, Torrance City Attorney
Mr. Peter Stoterau, Esq.
File

State of California }

County of Los Angeles }

On February 27, 2006, before me, Michelle E. Payne, Notary Public, personally appeared Karen C. Williams personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Michelle E Payne



CAPACITY CLAIMED BY SIGNER:

- | | |
|---|---|
| <input checked="" type="checkbox"/> INDIVIDUAL(S) | <input type="checkbox"/> CORPORATE OFFICER(S) |
| <input type="checkbox"/> PARTNER(S) | <input type="checkbox"/> LIMITED |
| <input type="checkbox"/> | <input type="checkbox"/> GENERAL |
| <input type="checkbox"/> | <input type="checkbox"/> MANAGING |
| | <input type="checkbox"/> ATTORNEY-IN-FACT |
| | <input type="checkbox"/> TRUSTEE(S) |

SIGNER IS REPRESENTING:

OTHER: _____

Mr. and Mrs. Rainer Weidemann
5356 Doris Way
Torrance, CA 90505

February 26, 2006

FEB 28 2006

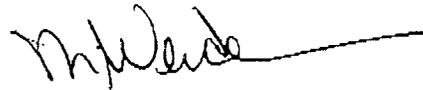
Dear Torrance Planning Commission:

We have lived next door to Marge Miller for 28 years. Her husband died 11 years ago, and since then, she and her family have made numerous improvements to their property and in their home. After three years of saving, she is now able to afford to have her front yard undergo a makeover. We have reviewed the plans carefully and highly approve of their charming, natural look that Marge is striving to achieve. She has always been a helpful and generous neighbor.

We wholeheartedly approve this project.

Sincerely,


Rainer Weidemann


Monika Weidemann

James & Dianne Williams March 1, 2006
MIS06-00021: MARGARET MILLER

Planning and Design code Section 91.41.6

See exhibit #1, Items a,b,c &d.

Property Rights Obstruction of View, Light or Air

As we interpret the Torrance building Planning and Design code, a landowner has a basic right to an unrestricted view either to or from their property, the unrestricted right to receive sunlight on the property or the unrestricted right to receive a breeze across the property? We feel that, owners cannot use their property in a way that constitutes a nuisance. Exactly what is a nuisance, and how is it applied? A nuisance is a condition brought about by a property use so unusual that it causes injury or inconvenience to another's use of property. Sometimes it is defined as a condition that substantially interferes with another's use and enjoyment of land.

FENCE IMPACTS

- 1 Major View Loss when looking south on Doris Way. Construction of this fence will make us feel like we are isolated from our community. (See exhibit # 2 & 3).
- 2 Major Light Loss caused by shadow from the new fence. This fence will be a 7' ½ foot high structure when viewing it from our side of the property, causing a very large shadow for most of the day on the plants in our flowerbed, and across our entire driveway. This shadow will affect the sage plants, taking away most of the sun light from them, causing them not to bloom, and could possibly kill the plants according to Armstrong Nursery. In addition it will affect the geraniums as well. We will experience strong gusty wind conditions, which will also damage the plants. We will be forced to replant our flowerbed with shade type plants that can handle windy conditions, at our cost. (See exhibit # 4).

Desert Purple Sage

30-36" x 36" wide, Desert Purple Sage is a Western native gem that puts on a dazzling display of pale-blue and purple flower spikes in late spring. Little known outside of the circle of native plant enthusiasts, it is a **fast growing, heavy bloomer best suited to the hottest, most challenging planting sites.** This small growing shrub has highly aromatic, silvery leaves that are both beautiful and resistant to browsing mammals. Plant it where the soil is fast draining and rocky, sandy or loamy in texture

Geranium Characteristics

- . Season spring, summer, Height 9-12 inches, Hardiness USDA Hardiness Zone 3-8
- . Flower Color magenta, Soil moist, and soil best, but drought tolerant
 - . **Exposure full sun to partial shade.** Propagation division spring or fall, cuttings, seed

Mold can cause health problems (See exhibit # 7 &8)

Molds are usually not a problem indoors, unless **mold spores land on a wet or damp spot and begin growing. Molds have the potential to cause health problems. Molds produce allergens (substances that can cause allergic reactions), irritants, and in some cases, potentially toxic substances (mycotoxins).** Inhaling or touching mold or mold spores may cause allergic reactions in sensitive individuals. Allergic responses include hay fever-type symptoms, such as sneezing, runny nose, red eyes, and skin rash (dermatitis). Allergic reactions to mold are common. They can be immediate or delayed. **Molds can also cause asthma attacks in people with asthma who are allergic to mold. In addition, mold exposure can irritate the eyes, skin, nose, throat, and lungs of both mold-allergic and non-allergic people. Mold spores are invisible to the eye and are easily moved by light wind.** Symptoms other than the allergic and irritant types are not commonly reported as a result of inhaling mold. Research on mold and health effects is ongoing. For more detailed information consult a health professional. You may also wish to consult your state or local health department. **We currently have a mold problem with the Miller's present fence. There is black mold already growing on it. This 80foot fence has only been up for 1-½ years and the mold is facing our driveway. We will be addressing this issue through Ms. Miller's attorney.**

RSPB Gardens

Gardens need shelter from winds. The usual practice is to surround a garden with a fence. These are quick to erect and provide an instant boundary, but they have disadvantages. Being solid, a fence deflects the wind, which then comes down in a swirl on the leeward side, often damaging plants. **Gardens sheltered by fences can be windy, and the fences can be blown down by the wind. Plants on exposed sites, on the leeward side of a fence suffer more from wind than from cold.**

Reason for the Fence

We find no logical reason for Ms. Miller building her fence. As it will not keep out predators; it will not block her view of our driveway, our house or the lattice structure attached to our house. When she stands on her lawn her new fence will only reach a height between 2' to 3'10" on her side of the property and it will be 7'6" on our side. She will easily see everything over the fence. It will not keep a pet fenced in her yard; she is not building a matching fence on the south side of her property. This proposed fence is causing our family unneeded stress, time and money. We have lived in our home for 34 years and have enjoyed the view in the southerly direction, and we feel that it is not fair to take it away. The loss of view will affect our property value. This fence will create a feeling for us of being isolated from the neighborhood and blocking our view of the new home at the Corner of Bindewald and Doris Way and the intersection at that corner that we enjoy. It will rob us of light; air and we will be required to replant our flowerbed with shade plants. It will create a zone of polluted air in our driveway and in our home.

3. During southerly wind conditions the fence will act like a wind brake restricting natural airflow. The wind that builds up on the Miller's side of the fence will spill over the top and dump into our driveway picking up wind speed from 20-30 % due to the "Reynolds effect" which is a swirling or a large circular motion of wind. This condition will appear similar to a dust devil in a horizontal motion and it will pick up mold spores, dust, dirt, pollen, bug spray, plant fertilizers, animal wastes and etc. from the Miller's lawn and particles from our driveway causing a zone of contaminated air on the leeward side of the fence right at our front door which is perpendicular to the flow of the air. This high-speed spinning contaminated air will then be forced through our front screen door under the pressure of the wind causing an unhealthy living environment in our living room for the entire family especially my wife, due to her asthmatic and chronic bronchitis condition. The wind will also deposit contaminants on the Millers front yard, and her next door neighbor to the south, depositing pollutants in her driveway and on their cars, as the wind comes in from the west. Please remember for every one-foot in height the fence, pollutants will be carried twelve horizontal feet. The Miller's fence will be 7' 6" high on our side of the property. You may wonder why we could not just close our front door to avoid the pollution. During the times when we have the hot Santa Anna's blowing, it is simply to unbearable to keep our front door closed. We have open-beam ceilings in our home, which absorb the heat from the sun and it gets very hot in our home, and we need the cross ventilation to stay cool. We do not have air-conditioning. In addition, we will also be faced with a traffic hazard when backing our Van with a boat attached to the rear hitch. The boat trailer will be 2/3 into the street before we have clear view of traffic going west bound on Doris Way. I might add that we have very fast traffic traveling up and down Doris Way. (See exhibit # 4&5).

Wind effects on Application (See exhibit # 6).

Public Health Risk Assessment for Human Exposure to Chemicals: Environmental Pollution

by D Kofi Asante-Duah

Synopsis

Risks to humans as a consequence of chemical exposures are a complex issue with worldwide implications, especially in our modern societies. The effective management of human exposure to a variety of chemicals present in various sectors of society has indeed become a very important public health policy issue - and risk assessment promises a systematic way for developing appropriate strategies to aid public health risk management decisions. People with health problems are especially at high Risk to garden chemicals.

Mold can cause health problems (See exhibit # 7 &8)

We have enjoyed 30 very good years of being a neighbor to Ms. Miller. We have done many favors for her and her family. Included within is a sample of her thank you cards. (See exhibit # 9) Unfortunately we have been at odds with Ms. Miller for over three years and there is no end in site. Tonight is not the right venue to discuss these problems. The city has offered free arbitration to both families on two occasions we know of. We welcomed the opportunity to resolve all issues with Ms. Miller, but she has refused to take advantage of the cities offer. (Dispute Resolution, Mr. Lance Widman 310-376-7007)

This fence project is ill-conceived and should not be constructed. It is in violation of the noted Torrance building codes as I have discussed. We therefore request that this project be stopped now, before all concerned party's put more time and resource into it.

James A. Williams Dianne C. Williams

James A. Williams and Dianne C. Williams

5372 Doris Way

Torrance, California 90505 (310) 316-3958

Additional Comments:

Please consider creating a law on Spite fences in the City of Torrance. Nation wide, as of 2003 there were over 1,820,000 cases on spite fences. Please think about the number of cases that were settled before they became court cases. These cases were mainly herd in civil courts, but some cases actually went up as high as the Supreme Courts to get settled. There have been many fights between neighbors, with recorded property damage of spite fences, serious personnel injury between neighbors and we don't need those kinds of problems in our city. A spite fence law could stream line the building permit process, and make our city more efficient like other cities across the US. We feel that if Torrance had a Spite fence law we would not have to review our case with the city council, and it would have saved time and money for the city of Torrance and us.

City of Glendale, California 12.04.060 Spite fences.

A. No person shall maliciously construct, erect, build, plant, cultivate or maintain any fence or wall or any hedge or similar growth unnecessarily for the purpose of annoying the owners or occupants of adjoining or neighboring property.

The malicious erection, maintenance or construction of spite fences in violation of any provision of this chapter is found to be of a disrupting nature to the entire community in that such fences cause disruptions among residents of the local neighborhood, tend to cause a decrease in property values, tend to cause valued residents of a community to relocate, and tend to incite crime and violence between neighbors, all of which endangers the comfort, repose or peace of the residents in the area. Therefore, as an additional remedy to misdemeanor prosecution as provided in chapter 1.20 of this code, all spite fences which are placed or which exist in violation of the provisions of this chapter shall be deemed, and are declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Prior code §§ 26-5.1, 26-5.2)

Karen C. Williams
5372 Doris Way
Torrance, CA 90505
(310) 316-3958

February 26, 2006

Planning Commission Members
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90509-2970

RE: Case No. MIS06-00021: Margaret Miller

Dear Planning Commission Members;

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Sincerely;


Karen C. Williams

KW

C: Mr. John Fellows, Torrance City Attorney
Mr. Peter Stoterau, Esq.
File

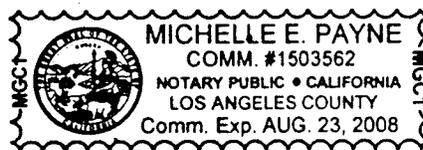
State of California }

County of Los Angeles }

On February 27, 2006, before me, Michelle E. Payne, Notary Public, personally appeared Karen C. Williams personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Michelle E Payne



CAPACITY CLAIMED BY SIGNER:

- INDIVIDUAL(S) CORPORATE OFFICER(S)
- PARTNER(S) LIMITED ATTORNEY-IN-FACT
- GENERAL TRUSTEE(S)
- MANAGING

SIGNER IS REPRESENTING:

OTHER: _____

included but could reasonably be expected to reduce the adverse impacts of the project, if required as conditions.

SECTION 91.41.5. PRECISE PLAN.

- a) Any development on a lot within the Hillside and Coastal Zone shall be subject to approval by the Planning Commission of a Precise Plan in accordance with Chapter 6 of this Division 9, except as provided in Sections 91.41.7, 91.41.8, and 91.41.14 of this Article.
- b) Nothing in this chapter shall be construed to permit the restrictions which are less restrictive than those established in the this Code, or in the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined by the California Coastal Act.
- c) Nothing in this Article shall be construed to authorize the Planning Commission to impose conditions more restrictive than the express provisions of this Code or the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act when so doing would render construction on any lot impossible where such construction would be possible in accordance with the Code as written.
- d) The requirements, restrictions and conditions of the California Coastal Act, commencing at Section 30000 of the Public Resources Code of the State of California and any implementing regulations authorized by law, are incorporated by this reference as to the properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

SECTION 91.41.6. PLANNING AND DESIGN.

No construction and no remodeling or enlargement of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) shall find that the location and size of the building or structure, or the location and size of the remodeled or enlarged portions of the building or structure, have been planned and designed in such a manner as to comply with the following provisions:

- a) The proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity;
- b) The development has been located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the vicinity;
- c) The design provides an orderly and attractive development in harmony with other properties in the vicinity;
- d) The design will not have a harmful impact upon the land values and investment of other properties in the vicinity;
- e) Granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity;
- f) The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity.

SECTION 91.41.7. PERMITTED DEVELOPMENT - RESIDENTIAL.

Notwithstanding the provisions of this Article, no Precise Plan shall be required if the proposed development within the Hillside and Coastal Overlay Zone is for the

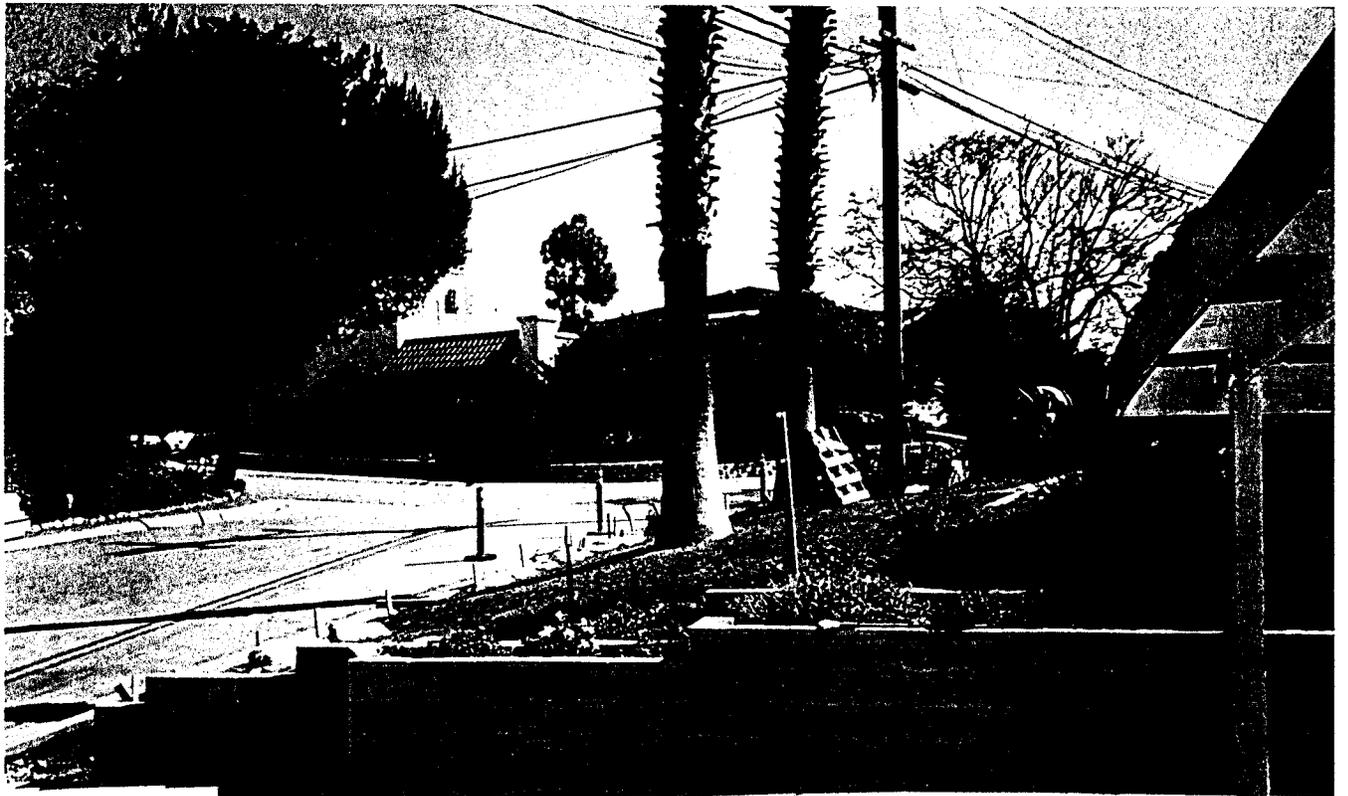
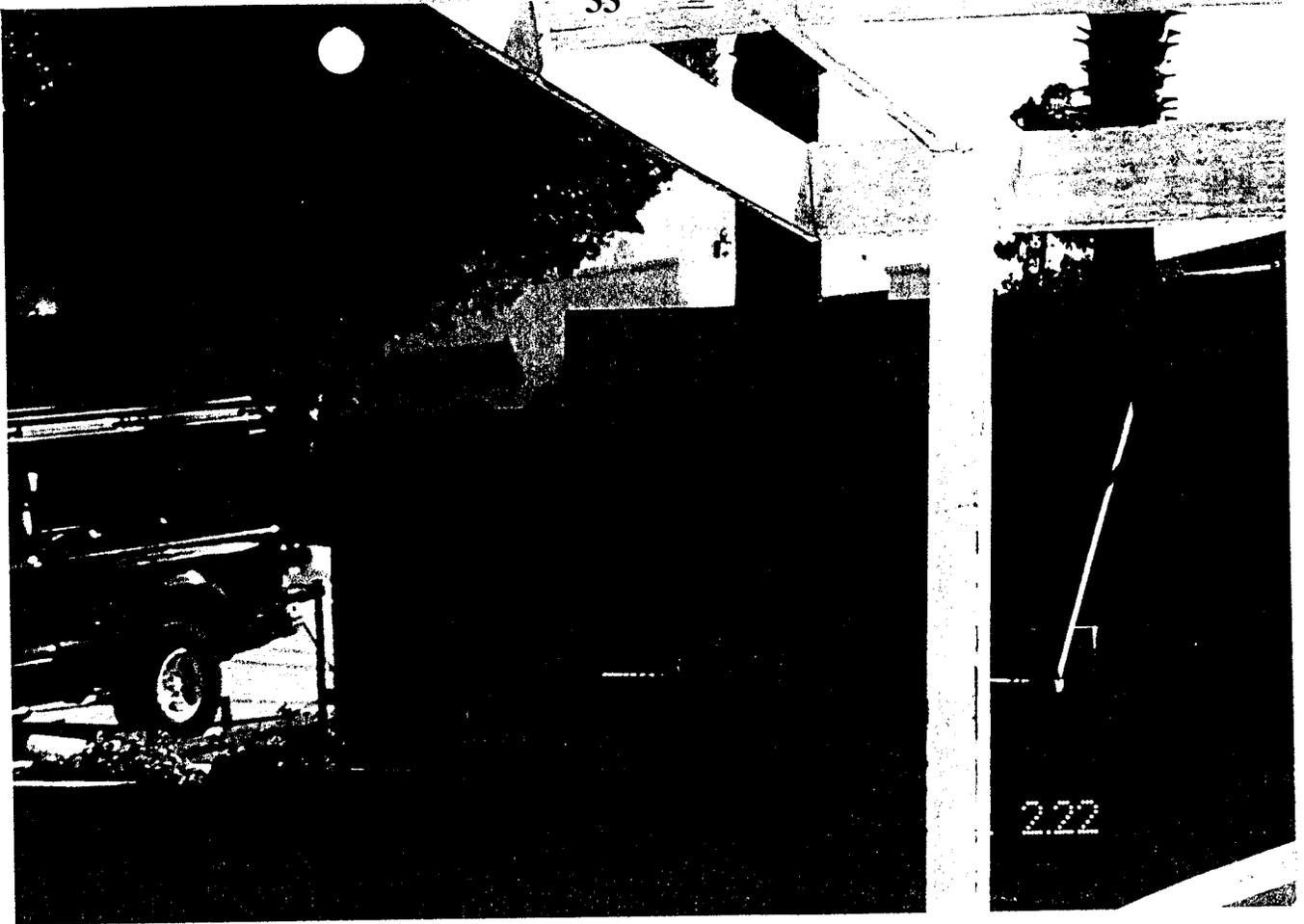


EXHIBIT 2

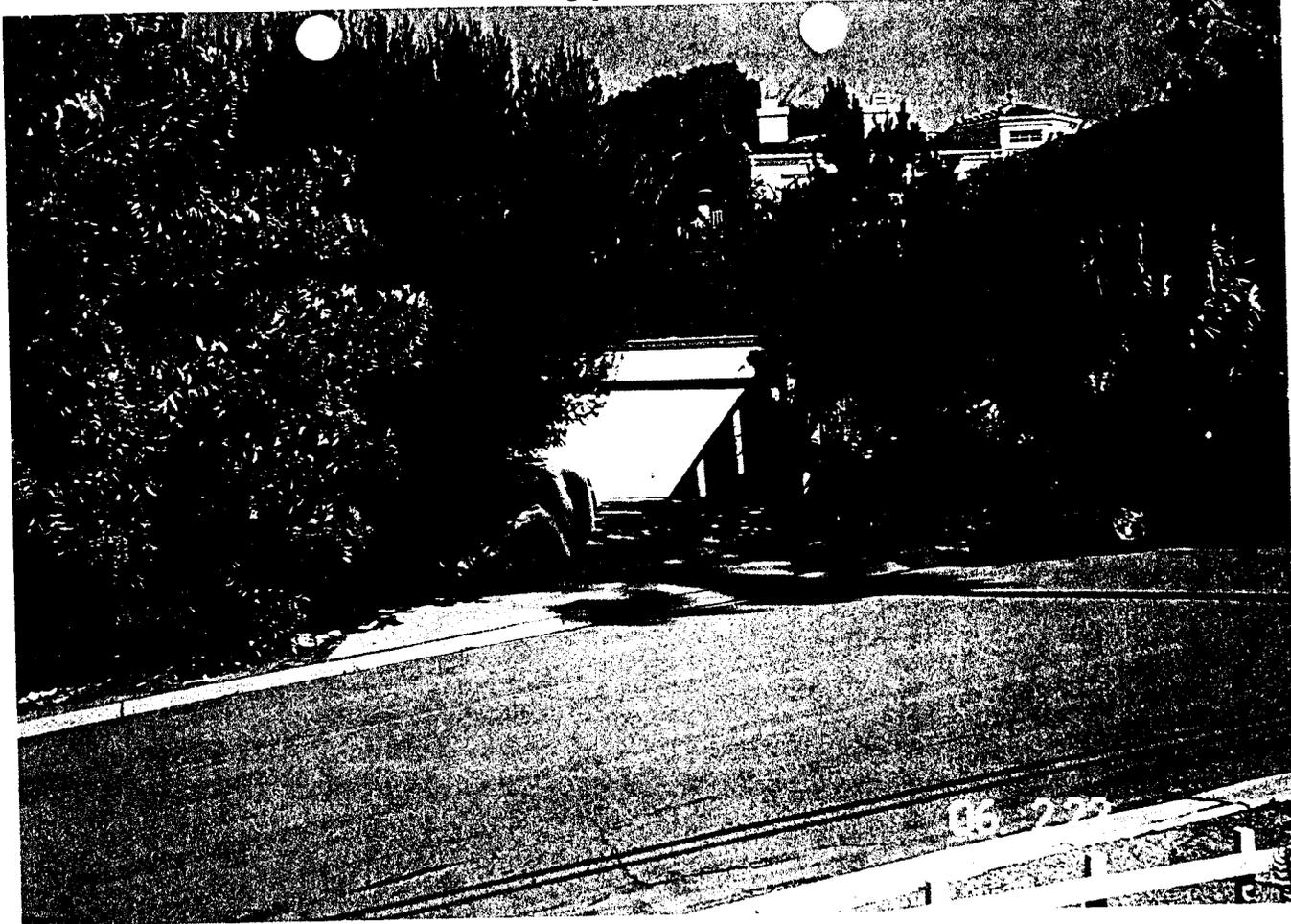
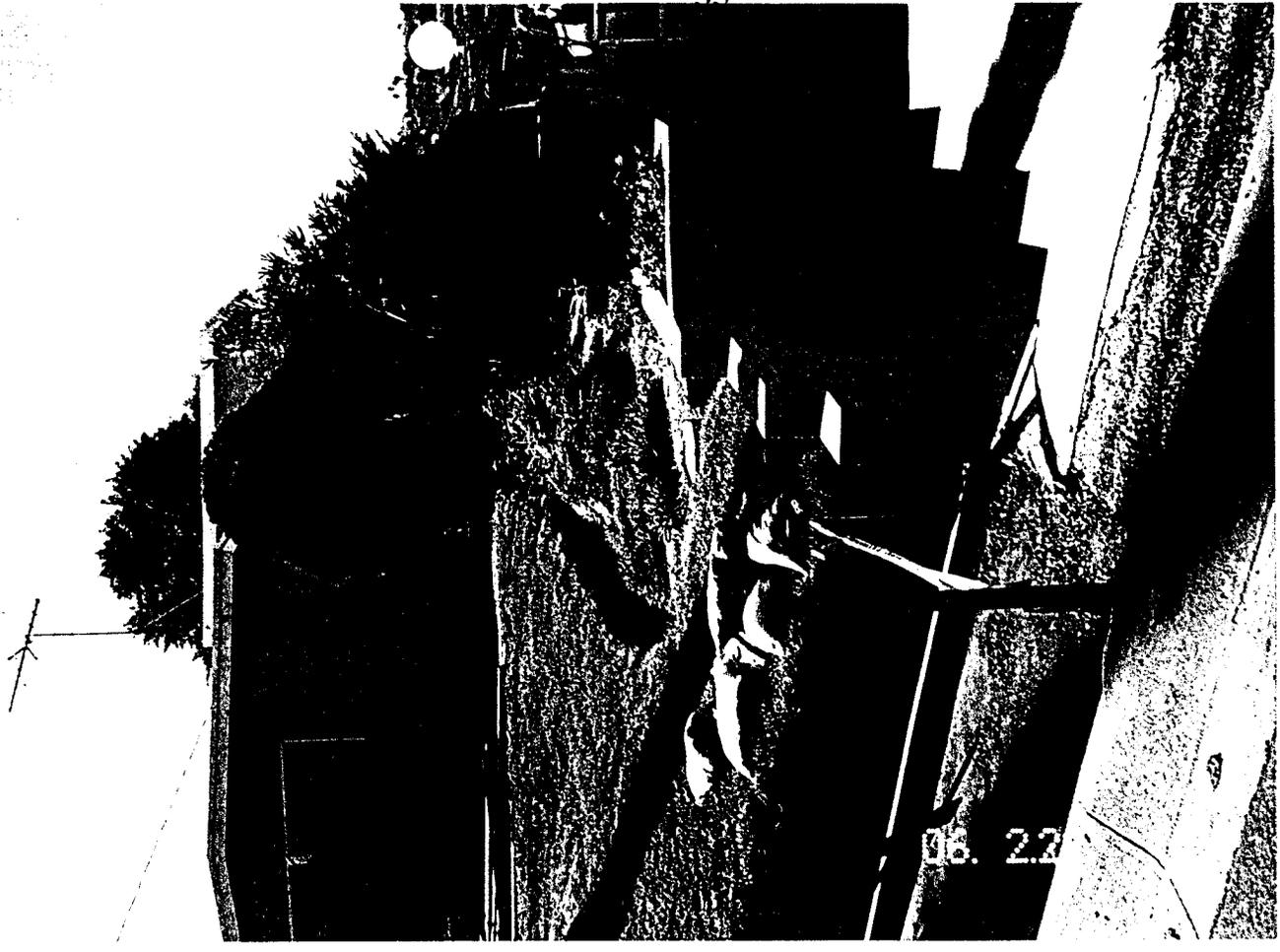


EXHIBIT 3



06. 22



06. 131

EXHIBIT 4

The influence of a natural shelterbelt on the dispersion of heavy particles.

Thomas Bouvet

ALBERTA

INTRODUCTION

Motivation: Soil erosion curtailment, accurate targeting of fertilizers and containment of GMO genes are all issues of concern in modern agriculture. Planting natural shelterbelts around crop fields can help to control horizontal convective transfer of particles. Yet, little is known on the impact of shelterbelts.

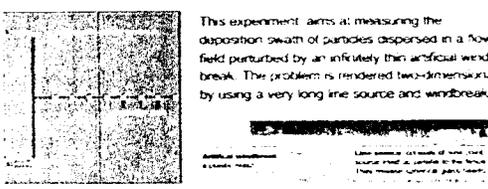
Objective: My PhD thesis aims at providing insight on the qualitative and quantitative impact of shelterbelts on heavy particle dispersion.

Methodology: The study relies on two tools of investigation: experiments and numerical modeling.

EXPERIMENTS

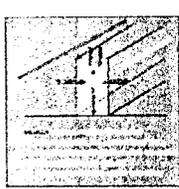
A shelterbelt influences particle dispersion in two ways: first, it perturbs the flow field (both average and turbulent) that carries the particles along. Secondly, a natural shelterbelt directly intercepts a fraction of the particles flowing through it (filtration).

Measurement of the deposition swath about an artificial fence.



This experiment aims at measuring the deposition swath of particles dispersed in a flow field perturbed by an infinitely thin artificial windbreak. The problem is rendered two-dimensional by using a very long line source and windbreak.

Measurement of the fluxes across the faces of a natural shelterbelt.



Method: Measures the mean particle concentration $C(z)$.

Cup anemometer: measures the mean horizontal wind velocity $U(z)$.

Equation: $F_x(z) = U(z)C(z)$

Method: Measures the mean particle concentration $C(z)$.

Cup anemometer: measures the mean horizontal wind velocity $U(z)$.

Equation: $F_x = WC + w'c$ (Eddy correlation)

Measurements of the vertical flux across the upper boundary.

NUMERICAL SIMULATIONS

Fig. 1: Anomaly in the turbulent kinetic energy relative to the undisturbed flow (in %).

Fig. 2: Anomaly in the turbulent kinetic energy relative to the undisturbed flow (in %).

Fig. 3: Lagrangian stochastic simulation of particle trajectories.

Logical outline of the numerical simulations:

- Observations provide the upward profile (non disturbed) of the velocity statistics.
- Numerical solution of Reynolds equations solved at second order for oblique, stratified winds impinging on the shelter.
- Field of wind velocity statistics is thereby provided (Fig. 1&2).
- Lagrangian stochastic simulation of trajectories of an ensemble of heavy particles over / through the windbreak. (See Fig. 3 for illustration).
- Simulated pattern of aerial concentration and deposition on ground and on windbreak.

RESULTS

The following stems from numerical simulations of heavy particle dispersion in a neutral atmosphere about an infinitely thin windbreak (resistance coefficient $\lambda P / \rho U^2 = 4$).

Fig. 5: deposition swath of heavy particles.

Fig. 6: Field of simulated concentration level in the undisturbed flow field (left) and in the disturbed flow field (right) when a fence is present.

Fig. 7: Field of particle transfer velocity vectors in the undisturbed flow field (left) and in the disturbed flow field (right) when a fence is present.

Fig. 8: Shows that the disturbed flow field lifts over the fence and then draws down the plume in the lee of the fence, which causes the deficit in deposition observed in zone 1 (Fig. 5). In zone 2 (Fig. 5), deposition is significantly enhanced when the fence is present. This results from two phenomena: first, particle residence time in any given volume is increased in the sluggish wind zone in the lee of the fence. This causes a large concentration (as seen on Fig. 6) and consequently increases deposition rate. Secondly, the velocity of transfer to the ground is greatly enhanced, as Fig. 7 shows. The two major components of this velocity are the mean wind downward and turbulent transfer. The turbulent kinetic energy is increased by more than 100% in this region (the wake zone). In the trailing edge of the deposition swath (zone 3, Fig. 5), deposition is slightly smaller in the disturbed situation. In effect, a larger fraction of the particles have been deposited in zones (1,2) due to the influence of the windbreak, so that fewer remain to be deposited in zone (3). Thus, the deposition swath extends further downwind in the undisturbed case.

CONCLUSION

The disturbance of the wind flow by a windbreak has a significant impact on the dispersion pattern of heavy particles. In particular, it causes intense deposition in the lee of the fence (XH-50). As a result, the recovery of particles to ground is faster and the extent of the deposition swath is curtailed. In future work, the filtration of particles by vegetation will be included in the numerical simulations. The overall impact of natural shelterbelts on particle dispersion will then be assessed. It is hoped that the study will result in new guidelines for windbreak design.

Contact: bouvet@mitosummer.com

EXHIBIT 5

View TropRice

Wind Effects on Application

<0.3	Calm	Smoke rises vertically	Avoid spraying on warm sunny days
0.6-0.9	Light air	Direction shown by smoke drift	Avoid spraying on warm sunny days
0.9-1.81	Light breeze	Leaves rustle, wind felt on face	Ideal spraying
1.81-2.7	Gentle breeze	Leaves and twigs in constant motion	Avoid spraying herbicides
2.7-4.0	Moderate	Small branches moved, raises dust or loose paper	Spraying inadvisable

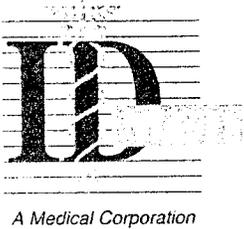


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International Rice Research Institute

EXHIBIT 6



ID MED - Specializing in Internal Medicine & Infectious Diseases

Michael M. Nakata, M.D.
John K.S. Chia, M.D.
James C. Ding, M.D.
Richard A. Glimp, M.D.

Feb. 27, 2006

To whom it May Concern
RE: Deanne Williams

Ms. Williams is under my care for asthma
and recurrent / chronic bronchitis. Her
disease seems to be worsened by a
variety of environmental elements that
can be airborne - we recommend
she avoid this

Sincerely,

R. Glimp MD

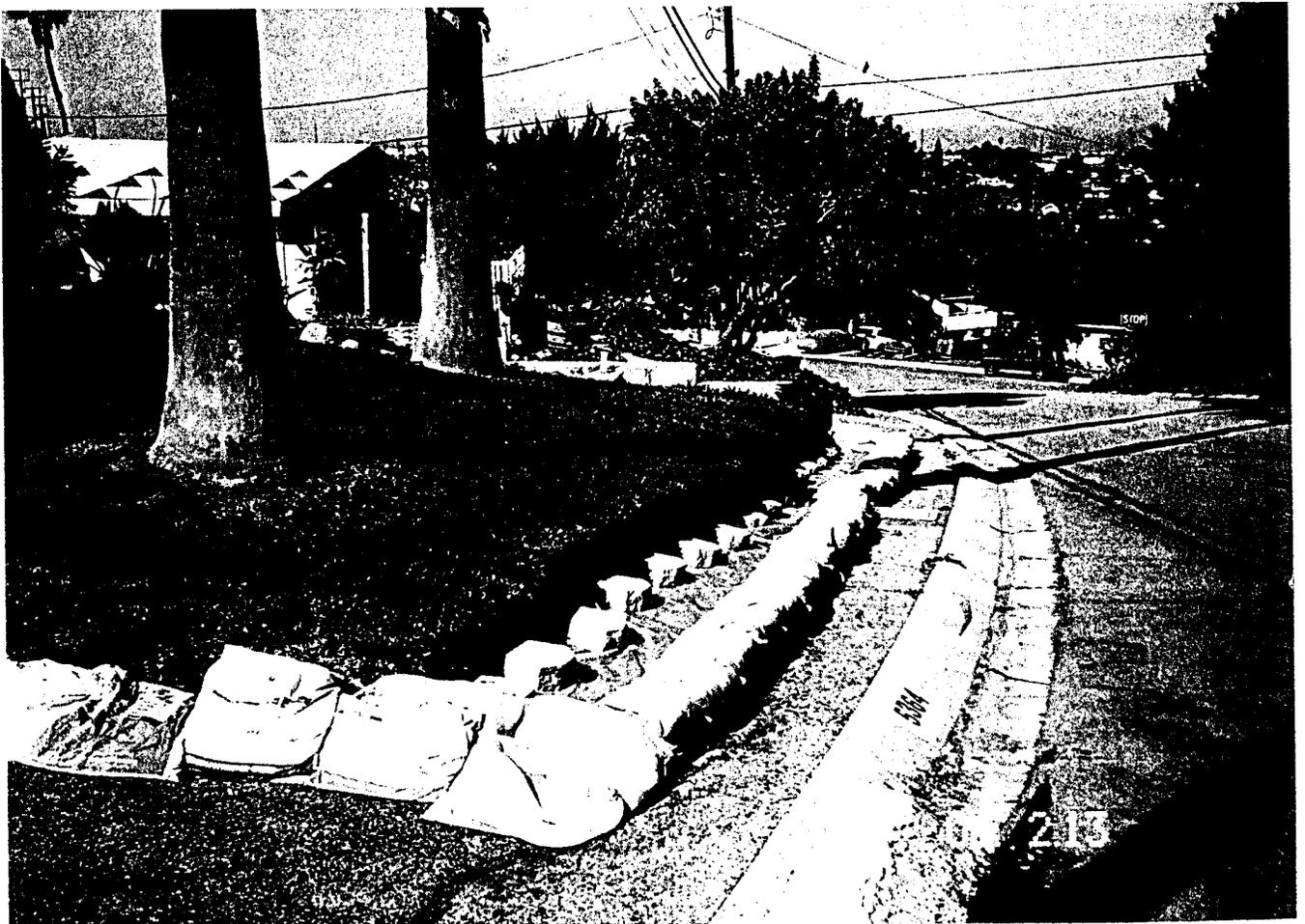
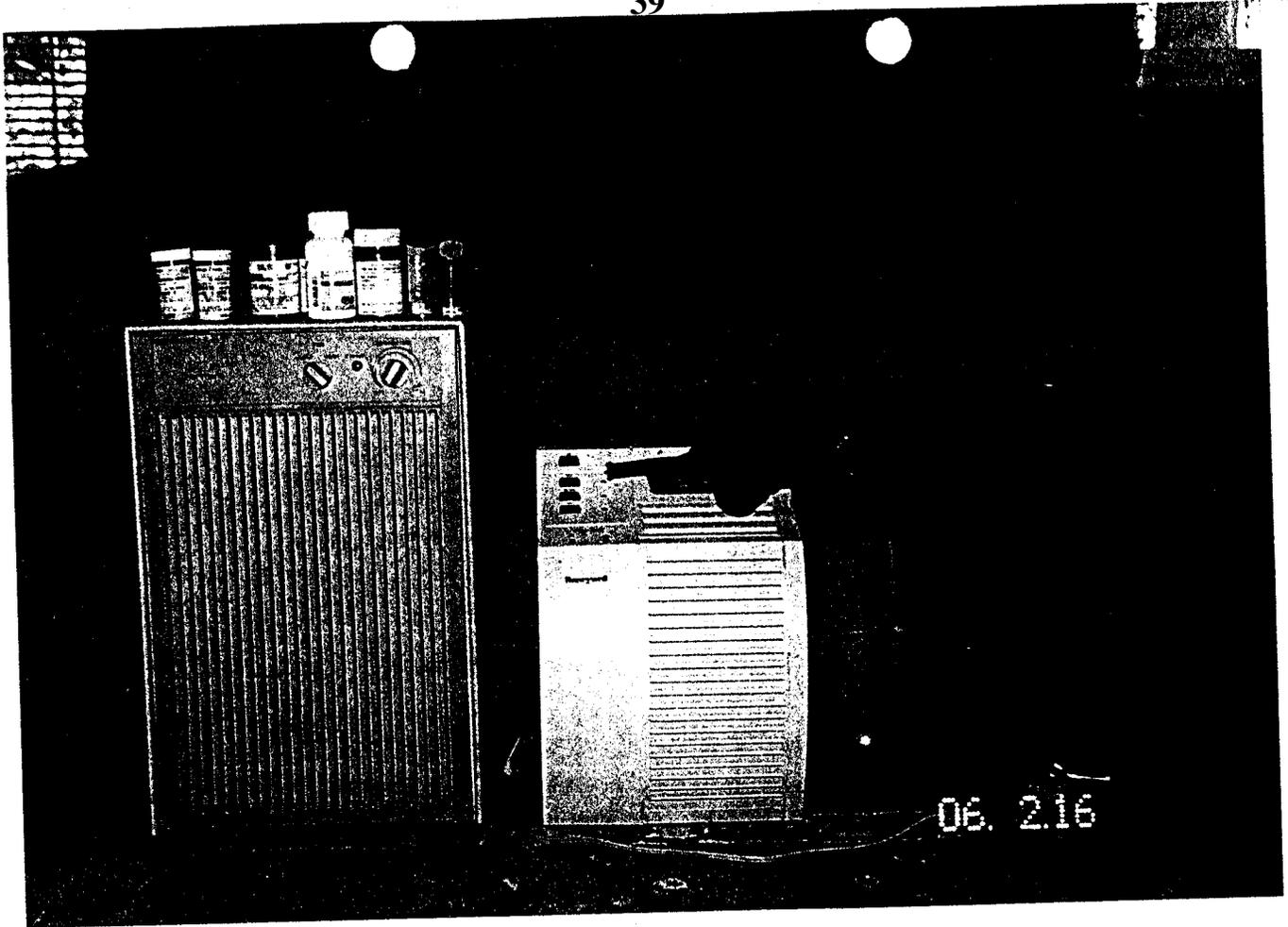


EXHIBIT 8

Hi Anne,
Jim and Karen

Dec 22, 1999

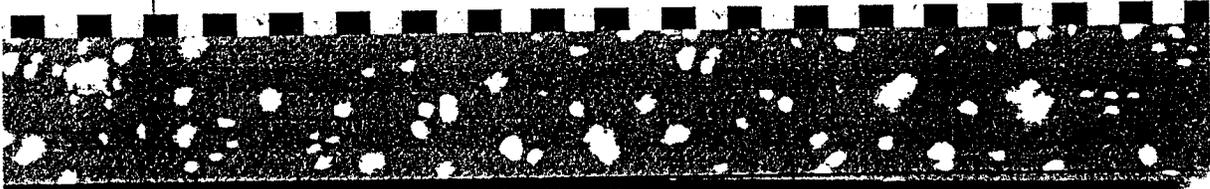
Good neighbors like you
make the holiday spirit
last all year.

Glad Tidings

And Best Wishes to You!

You're the best
big big Jim always
thinking of the

Love,
Mary and Karen



Hi Anne and Karen,
Jim and Karen

Kindness is the way they live,
the heart of all they do,

Yet they don't know
how many lives they touch.

Others know their value, though,
and feel so very grateful...

Undoubtedly, this means you--
thanks so much!

We don't know where to
begin thanking you for
all you have done for us
and continued love,
support, caring and
generosity with grace and
kindness.

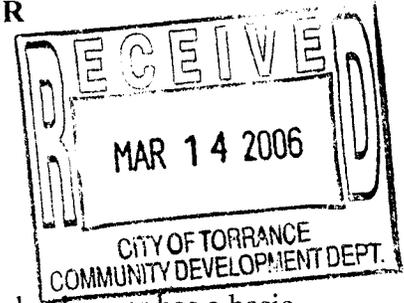
Love,
Mary and Karen

James & Dianne Williams March 10, 2006
MIS06-00021: MARGARET MILLER

Planning and Design code Section 91.41.6

See exhibit #1, Items a,b,c &d.

Property Rights Obstruction of View, Light or Air



As we interpret the Torrance building Planning and Design code, a landowner has a basic right to an unrestricted view either to or from their property, the unrestricted right to receive sunlight on the property or the unrestricted right to receive a breeze across the property? We feel that, owners cannot use their property in a way that constitutes a nuisance. Exactly what is a nuisance, and how is it applied? A nuisance is a condition brought about by a property use so unusual that it causes injury or inconvenience to another's use of property. Sometimes it is defined as a condition that substantially interferes with another's use and enjoyment of land.

FENCE IMPACTS

- 1 Major View Loss when looking south on Doris Way. Construction of this fence will make us feel like we are isolated from our community.
- 2 Major Light Loss caused by shadow from the new fence. This fence will be a 7' ½ foot high structure when viewing it from our side of the property, causing a very large shadow for most of the day on the plants in our flowerbed, and across our entire driveway. This shadow will affect the sage plants, taking away most of the sunlight, causing them not to bloom, and could possibly kill the plants according to Armstrong Nursery. In addition it will affect the geraniums as well. We will experience strong gusty wind conditions, on our side of the fence, which will also damage the plants. Then we will be forced to replant our flowerbed with shade type plants that can handle windy conditions, at our cost. (See exhibit #2,3 & 4).

Desert Purple Sage

30-36" x 36" wide, Desert Purple Sage is a Western native gem that puts on a dazzling display of pale-blue and purple flower spikes in late spring. Little known outside of the circle of native plant enthusiasts, it is a **fast growing, heavy bloomer best suited to the hottest, most challenging planting sites.** This small growing shrub has highly aromatic, silvery leaves that are both beautiful and resistant to browsing mammals. Plant it where the soil is fast draining and rocky, sandy or loamy in texture

Geranium Characteristics

- . Season spring, summer, Height 9-12 inches, Hardiness USDA Hardiness Zone 3-8
- . Flower Color magenta, Soil moist, and soil best, but drought tolerant
- . **Exposure full sun to partial shade,** Propagation division spring or fall, cuttings, seed

**Public Health Risk Assessment for Human Exposure to Chemicals:
Environmental Pollution** by D Kofi Asante-Duah

Risks to humans as a consequence of chemical exposures are a complex issue with worldwide implications, especially in our modern societies. The effective management of human exposure to a variety of chemicals present in various sectors of society has indeed become a very important public health policy issue - and risk assessment promises a systematic way for developing appropriate strategies to aid public health risk management decisions. People with health problems are especially at high Risk to garden chemicals.

Mold can cause health problems

Molds are usually not a problem indoors, unless mold spores land on a wet or damp spot and begin growing. Molds have the potential to cause health problems. Molds produce allergens (substances that can cause allergic reactions), irritants, and in some cases, potentially toxic substances (mycotoxins). Inhaling or touching mold or mold spores may cause allergic reactions in sensitive individuals. Allergic responses include hay fever-type symptoms, such as sneezing, runny nose, red eyes, and skin rash (dermatitis). Allergic reactions to mold are common. They can be immediate or delayed. **Molds can also cause asthma attacks in people with asthma who are allergic to mold.** In addition, mold exposure can irritate the eyes, skin, nose, throat, and lungs of both mold-allergic and non-allergic people. **Mold spores are invisible to the eye and are easily moved by light wind.** Symptoms other than the allergic and irritant types are not commonly reported as a result of inhaling mold. Research on mold and health effects is ongoing. For more detailed information consult a health professional. You may also wish to consult your state or local health department.

We currently have a mold problem with the Miller's present fence. There is black mold already growing on 90 foot of her fence and her railroad retainer wall and the mold is facing our driveway. We have addressed this issue through Ms. Miller's attorney and so far there has been no response. (See exhibit # 5 &6)

Wind effects on Solid fences

The "Reynolds equation laws" are mathematical tools that are used by architects to solve design problems that deal with anything fixed to the ground and has to stand up to all kinds wind conditions. These formulas are recognized by the National Bureau of Standards as being the medium to calculate wind behavior. During southerly wind conditions the Millar's 3' 10" fence will act like a wind brake restricting natural airflow. The wind that builds up on the Miller's side of the fence will dump into our driveway increasing wind speed by 3.1 times the speed it hit windward side of the Millers fence. It will then pick up mold spores, dust, dirt, pollen, bug spray, plant fertilizers, carbon particles from our driveway causing a zone of contaminated air right at our front door, which is perpendicular to the flow of the air. This high-speed spinning contaminated air will then be forced through our front screen door under the pressure of the wind causing an unhealthy living condition right at our front screen door under the pressure of the wind

front screen door under the pressure of the wind causing an unhealthy living condition right at our front screen door under the pressure of the wind causing an unhealthy living environment in our living room for the entire family especially my wife, due to her asthmatic and chronic bronchitis condition. This spinning air will also have the ability to sandblast the paint and windows on our cars and our house because the wind will pick up sand from the driveway and will be carried by the wind and cause the damage. This air mass will travel a distance of over 40 feet in our direction. You may wonder why we could not just close our front door to avoid the pollution. The reason is, during times when we have the hot Santa Anna's or southerly storms coming in from the south, it is simply to unbearable to keep our front door closed due to the hot weather condition. We have open-beam ceilings in our home, which absorb the heat from the sun and it gets very hot in our home, and we need the cross ventilation to stay cool. We do not have air-conditioning. When the wind comes in from the west and hits the Miller's 7' 6" high fence on our side of the property, it will go over the fence begin to spin picking up contaminates, particles and sand from her lawn and garden. The high-speed wind will damage the Millers plants next to her fence, her cars and dry out her lawn. She will need to use more water to keep her lawn alive. The wind will deposit contaminates in the driveway of her neighbor to the south, and their cars will get damaged from the sand carried by the winds. Please remember for every one-foot in fence height, the pollutants and sand will be carried twelve horizontal feet. The pollutants from Miller's yard will easily travel 90 feet toward the south from her fence. (See exhibit # 7,8&9).

LARGE-EDDY SIMULATION OF WINDBREAK FLOW

EDWARD G. PATTON_ and ROGER H. SHAW

Department of Land, Air and Water Resources, University of California, Davis, U.S.A.

MURRAY J. JUDD

The Horticultural and Food Research Institute of New Zealand Ltd., Kerikeri, New Zealand

MICHAEL R. RAUPACH

CSIRO Centre for Environmental Mechanics, Canberra, Australia

(Received in final form, 23 January, 1998)

Here, we present a large-eddy simulation (LES) described by Moeng (1984) and Moeng And Wyngaard (1988) a large-eddy simulation associated with surface mounted obstacles. Because end boundary conditions in LES are necessarily periodic, we simulate what is essentially a windbreak fence. This simulation employ the LES technique and integrates a set of three-dimensional, Stokes equations.

Figure 11. An x, z plot of the spanwise- and time-averaged resolved kinematic pressure variance from the LES. The contour values are in secondary peak appears at fence-top height about $4 H$ downstream. The difference in the location of the two downstream peaks is subtle but the situation in front of the fence is predictable. Because of the obstruction, the flow decelerates in its approach to the fence and velocities, both average and turbulent, are diminished below their spatial mean values. Thus, kinetic energy of the mean and the turbulent parts of the flow are small at the fence. On the other hand, pressure builds at the upstream face of the windbreak, as would be the case for any flow obstruction and, since the approach flow is unsteady, the high-pressure zone is also characterized by large pressure variance. A region of small pressure variance exists immediately behind the fence. Unlike the distribution of turbulent kinetic energy,

however, low-pressure variance extends above the top of the fence. This is despite the fact that the mean wind shear is large here and mean shear is a component of what is usually a major term in the Poisson equation for pressure (Thomas and Bull, 1983). (See exhibit #9).

National Bureau of Standards

Background. The National Bureau of Standards, founded in 1901, is authorized by statute (U.S. Code, Title 15, Ch. 7, sec. 272) to undertake "The custody, maintenance, and development of the national standards of measurement and the provision of means and methods for making measurements consistent with these standards. * * *" Under this authority the National Bureau of Standards has sought to refine and extend the standards to meet the continuing requirements of science and industry for increased accuracy and uniformity of measurement.

Reason for the Fence

We find no logical reason for Ms. Miller building her fence. As it will not keep out predators; it will not block her view of our driveway, our house or the lattice structure attached to our house. When she stands on her lawn her new fence will only reach a height between 2' to 3' 10" on her side of the property and it will be 7' 6" on our side. She will easily see everything over the fence. It will not keep a pet fenced in her yard; she is not building a matching fence on the south side of her property. It will not keep out the sound of me working in my garage in my driveway. This proposed fence is causing our family unneeded stress, time and money. We have lived in our home for 34 years and have enjoyed the view in the southerly direction, and we feel that it is not fair to take it away. The loss of view will affect our property value. This fence will create a feeling for us of being isolated from the neighborhood and blocking our view of the new home at the Corner of Bindewald and Doris Way and the intersection at that corner that we enjoy. It will rob us of light; air and we will be required to replant our flowerbed with shade plants. It will create a zone of polluted air in our driveway and in our home.

We have had 30 years of good neighbor relations with Ms. Miller. We have done many favors for her and her family. Unfortunately we have been at odds with Ms. Miller over property boundary issues for over three years and there is no end in site. We also know that the Miller's want us to move. She told our daughter Karen that she could stay, but we should move. The city has offered free arbitration to both families on two occasions we know of. We welcomed the opportunity to resolve all issues with Ms. Miller, but she has refused to take advantage of the cities offer and, you can verify this with (Dispute Resolution, Mr. Lance Widman 310-376-7007).

This fence project is ill-conceived and should not be constructed. It is in violation of the noted Torrance building codes as I have discussed. We feel that this fence is nothing more that a spite fence, purely to **block our view of our neighborhood** and nothing more. We therefore request that this project be stopped now, before all concerned party's put more time and resource into it.

Options to the Fence Problem

1. Stop construction of the proposed solid fence.
2. Build an open fence that will allow air to pass through, thus reducing the turbulent affect of the wind and reduce it's construction to the area where the Desert Purple Sage plants are located. This plan would allow us to at least save our Geranium flowerbed from the shade of the fence and still provide the privacy for the Millers they are asking for. In addition we will plant bamboo in this same area to provide additional privacy and dampen noise levels for both families. When we purchased our property, we had a privacy hedge in the area of Ms. Millers 90 foot fence. She removed that hedge because she had us convinced it was on her property. It seems strange to us, if noise and privacy is such an issue to her, why did she remove the hedge in the first place? (See exhibit # 10, Report on gardening).

Note:

We want to make it clear that if any fence is built on the Millers property in the proposed fence location, we will be forced to track the air quality and wind characteristics in the area of our front door. This will be the only way we can be assured that the impact of any fence is not causing harmful pollution problems for us. As we see it, we cannot turn our backs on this problem due to the asthmatic condition of my wife. We are well aware that the city council review meeting is our last resort to resolve this problem with the city. Our very last resort will be to resolve this and other issues we have with the Miller's in a civil court action to get final resolution.

James A Williams
Dianne C Williams

James A. Williams and Dianne C. Williams
5372 Doris Way
Torrance, California 90505 (310) 316-3958

Additional Comments on Spite Fences:

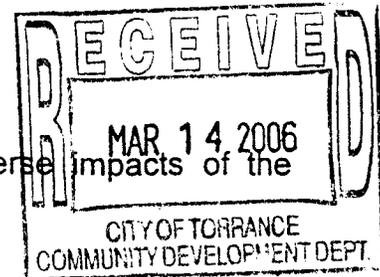
Please consider creating a law on Spite fences in the City of Torrance. Nation wide, as of 2003 there were over 1,820,000 cases on spite fences. Please think about the number of cases that were settled before they became court cases. These cases were mainly herd in civil courts, but some cases actually went up as high as the Supreme Courts to get settled. There have been many fights between neighbors, with recorded property damage of spite fences, serious personnel injury between neighbors and we don't need those kinds of problems in our city. A spite fence law could stream line the building permit process, and make our city more efficient like other cities across the US. We feel that if Torrance had a Spite fence law we would not have to review our case with the city council, and it would have saved time and money for the city of Torrance and us.

City of Glendale, California 12.04.060 Spite fences.

A. No person shall maliciously construct, erect, build, plant, cultivate or maintain any fence or wall or any hedge or similar growth unnecessarily for the purpose of annoying the owners or occupants of adjoining or neighboring property.

The malicious erection, maintenance or construction of spite fences in violation of any provision of this chapter is found to be of a disrupting nature to the entire community in that such fences cause disruptions among residents of the local neighborhood, tend to cause a decrease in property values, tend to cause valued residents of a community to relocate, and tend to incite crime and violence between neighbors, all of which endangers the comfort, repose or peace of the residents in the area. Therefore, as an additional remedy to misdemeanor prosecution as provided in chapter 1.20 of this code, all spite fences which are placed or which exist in violation of the provisions of this chapter shall be deemed, and are declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Prior code §§ 26-5.1, 26-5.2)

included but could reasonably be expected to reduce the adverse impacts of the project, if required as conditions.



SECTION 91.41.5. PRECISE PLAN.

- a) Any development on a lot within the Hillside and Coastal Zone shall be subject to approval by the Planning Commission of a Precise Plan in accordance with Chapter 6 of this Division 9, except as provided in Sections 91.41.7, 91.41.8, and 91.41.14 of this Article.
- b) Nothing in this chapter shall be construed to permit the restrictions which are less restrictive than those established in the this Code, or in the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined by the California Coastal Act.
- c) Nothing in this Article shall be construed to authorize the Planning Commission to impose conditions more restrictive than the express provisions of this Code or the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act when so doing would render construction on any lot impossible where such construction would be possible in accordance with the Code as written.
- d) The requirements, restrictions and conditions of the California Coastal Act, commencing at Section 30000 of the Public Resources Code of the State of California and any implementing regulations authorized by law, are incorporated by this reference as to the properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

SECTION 91.41.6. PLANNING AND DESIGN.

No construction and no remodeling or enlargement of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) shall find that the location and size of the building or structure, or the location and size of the remodeled or enlarged portions of the building or structure, have been planned and designed in such a manner as to comply with the following provisions:

- a) The proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity;
- b) The development has been located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the vicinity;
- c) The design provides an orderly and attractive development in harmony with other properties in the vicinity;
- d) The design will not have a harmful impact upon the land values and investment of other properties in the vicinity;
- e) Granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity;
- f) The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity.

SECTION 91.41.7. PERMITTED DEVELOPMENT - RESIDENTIAL.

Notwithstanding the provisions of this Article, no Precise Plan shall be required if the proposed development within the Hillside and Coastal Overlay Zone is for the

EXHIBIT 1

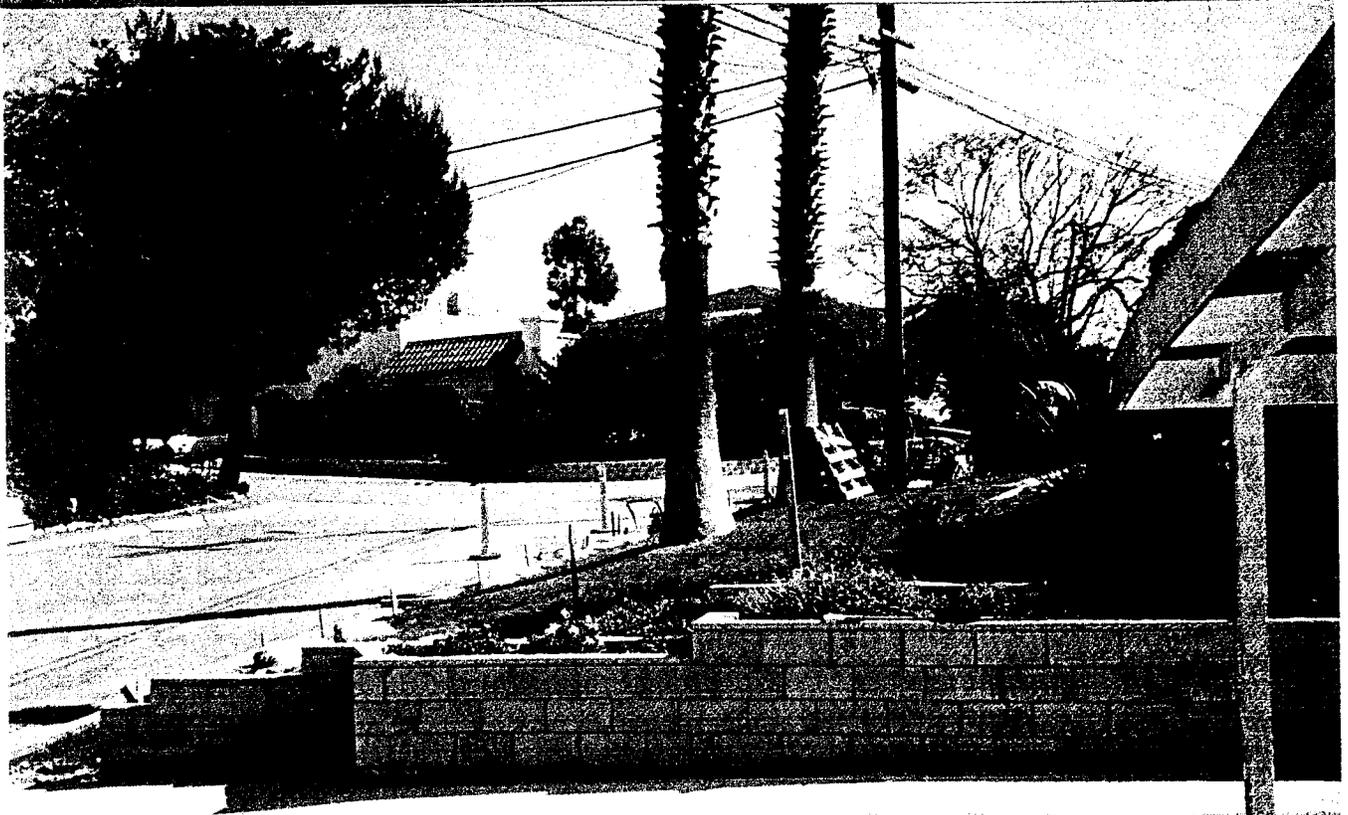
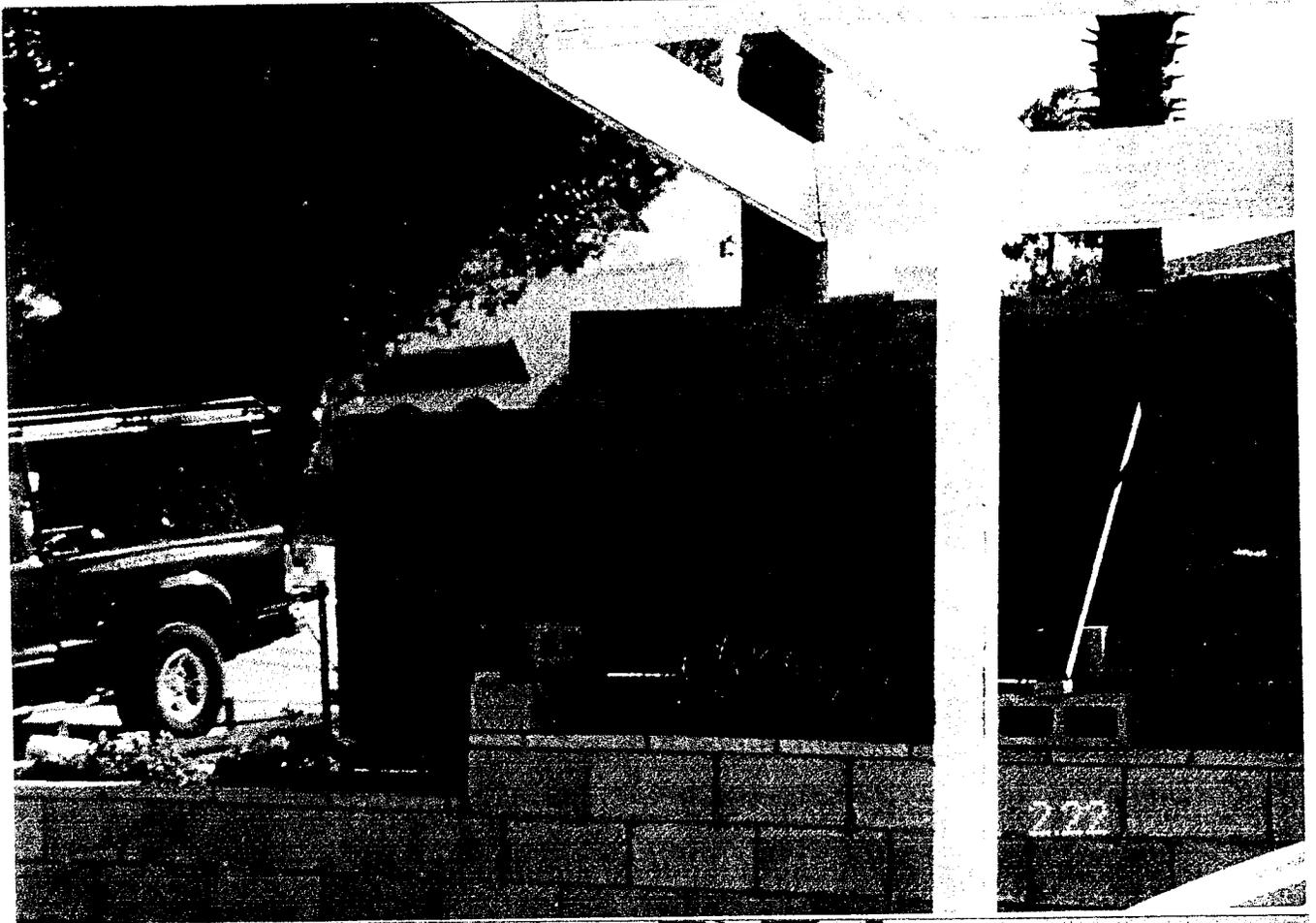


EXHIBIT 2



EXHIBIT 3

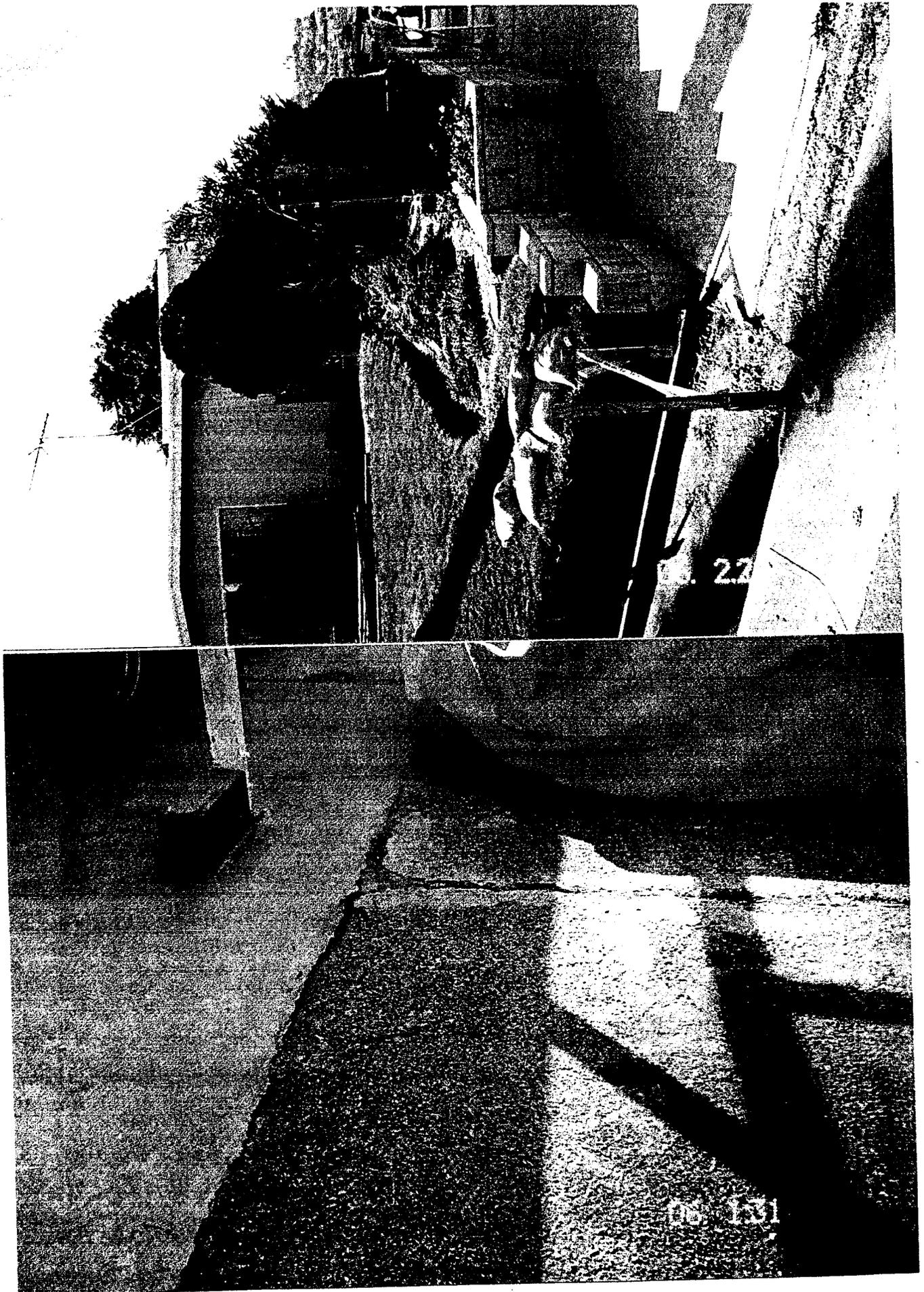


EXHIBIT 4

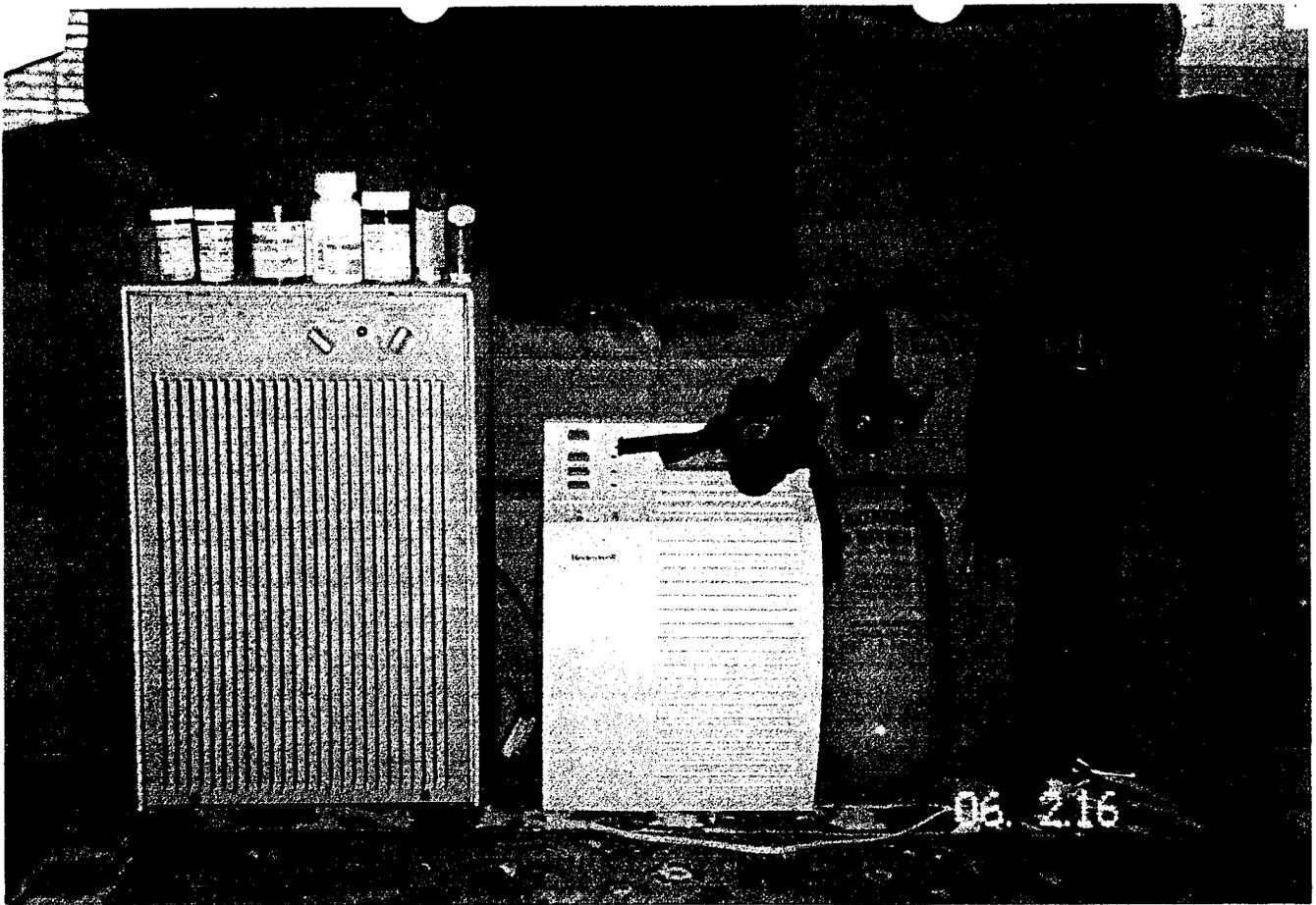


EXHIBIT 5



A Medical Corporation

ID MED - Specializing in Internal Medicine & Infectious Diseases

Michael M. Nakata, M.D.
 John K.S. Chia, M.D.
 James C. Ding, M.D.
 Richard A. Glimp, M.D.

Feb. 27, 2006

To Whom it May Concern
 RE: Dianne Williams

Ms. Williams is under my care for asthma and recurrent / chronic bronchitis. Her disease seems to be worsened by a variety of environmental elements that can be airborne - we recommend she avoid this

Sincerely,

A handwritten signature in cursive script, appearing to read 'R. Glimp'. The signature is written in dark ink and is somewhat stylized.

R. Glimp MD

View TropRice

Wind Effects on Application

Approx. air speed (m/s)	Description	Visible signs	Spraying
<0.3	Calm	Smoke rises vertically	Avoid spraying on warm sunny days
0.6-0.9	Light air	Direction shown by smoke drift	Avoid spraying on warm sunny days
0.9-1.81	Light breeze	Leaves rustle, wind felt on face	Ideal spraying
1.81-2.7	Gentle breeze	Leaves and twigs in constant motion	Avoid spraying herbicides
2.7-4.0	Moderate	Small branches moved, raises dust or loose paper	Spraying inadvisable

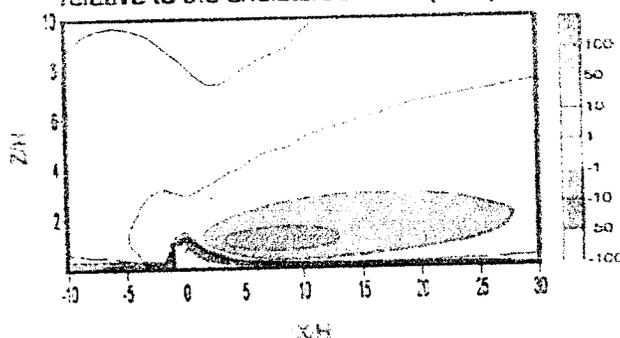


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Fig. 2: Anomaly in the turbulent kinetic energy, relative to the undisturbed flow (in %)



INTRODUCTION

Motivation: Soil erosion curtailment, accurate targeting of fertilizers and containment of GMO genes are all issues of concern in modern agriculture. Planting natural shelterbelts around crop fields can help to control horizontal convective transfer of particles. Yet, little is known on the impact of shelterbelts.

Objective: My PhD thesis aims at providing insight on the qualitative and quantitative impact of shelterbelts on heavy particle dispersion.

Methodology: The study relies on two tools of investigation: experiments and numerical modeling.

EXPERIMENTS

A shelterbelt influences particle dispersion in two ways: first, it perturbs the flow field (both average and turbulent) that carries the particles along. Secondly, a natural shelterbelt directly intercepts a fraction of the particles flowing through it (filtration).

Measurement of the deposition swath about an artificial fence.

This experiment aims at measuring the deposition swath of particles dispersed in a flow field perturbed by an infinitely thin artificial windbreak. The problem is rendered two-dimensional by using a very long line source and windbreak.

Schematic of the experimental setup Photograph of the experimental setup

Measurement of the fluxes across the faces of a natural shelterbelt.

Schematic of the experimental setup

Reforod: Measures the mean particle concentration $C(z)$.

Cup anemometer: measures the mean horizontal wind velocity $U(z)$.

Measurements of the average flux across the lateral faces of the shelterbelt (fluxes 1 and 2)

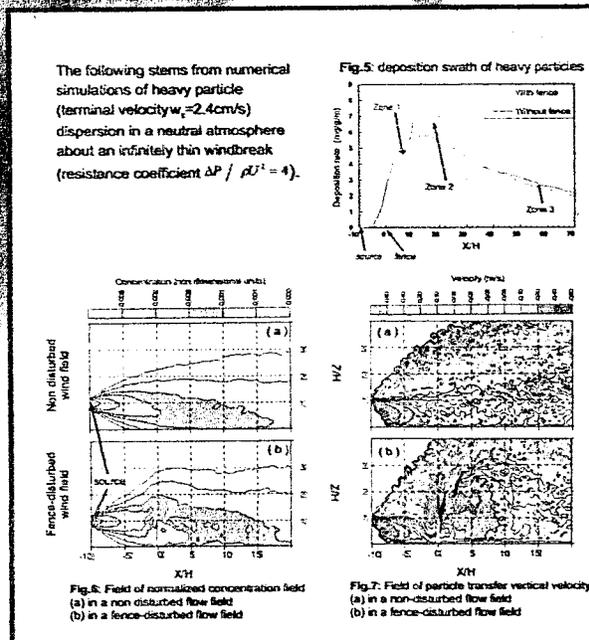
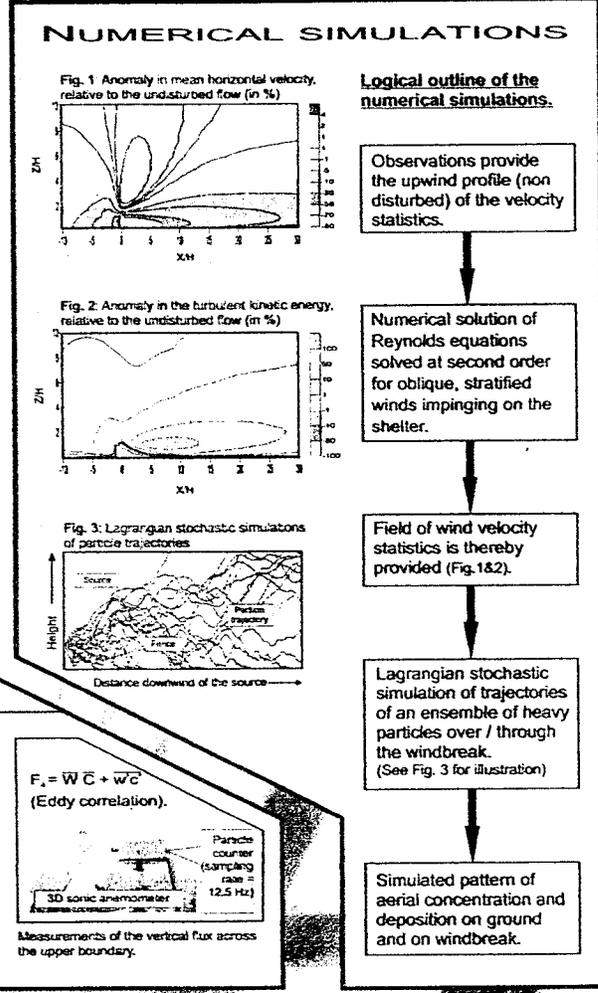
$$F_x(z) = U(z) \cdot C(z)$$

Measurements of the vertical flux across the upper boundary.

$$F_z = W \bar{C} + \overline{w'c'}$$

(Eddy correlation).

Particle counter (sampling rate = 12.5 Hz)



RESULTS

Fig. 6 shows that the disturbed flow field lifts over the fence and then draws down the plume in the lee of the fence, which causes the deficit in deposition observed in zone 1 (Fig.5).

In zone 2 (Fig.5), deposition is significantly enhanced when the fence is present. This results from two phenomena: first, particle residence time in any given volume is increased in the sluggish wind zone in the lee of the fence. This causes a larger concentration, as seen on Fig 6, and consequently increases deposition rate. Secondly, the velocity of transfer to the ground is greatly enhanced, as Fig. 7 shows. The two major components of this velocity are the mean wind downdraft and turbulent transfer. The turbulent kinetic energy is increased by more than 100% in this region (the wake zone).

In the trailing edge of the deposition swath (zone 3, Fig.5), deposition is slightly smaller in the disturbed situation. In effect, a larger fraction of the particles have been deposited in zones (1,2) due to the influence of the windbreak, so that fewer remain to be deposited in zone (3). Thus the deposition swath extends further downwind in the undisturbed case.

CONCLUSION

The disturbance of the wind flow by a windbreak has a significant impact on the dispersion pattern of heavy particles. In particular, it causes intense deposition in the lee of the fence ($X/H < 30$). As a result, the recovery of particles to ground is faster and the extent of the deposition swath is curtailed.

In future work, the filtration of particles by vegetation will be included in the numerical simulations. The overall impact of natural shelterbelts on particle dispersion will then be assessed. It is hoped that the study will result in new guidelines for windbreak design.

Contact: bouvet@netcourrier.com

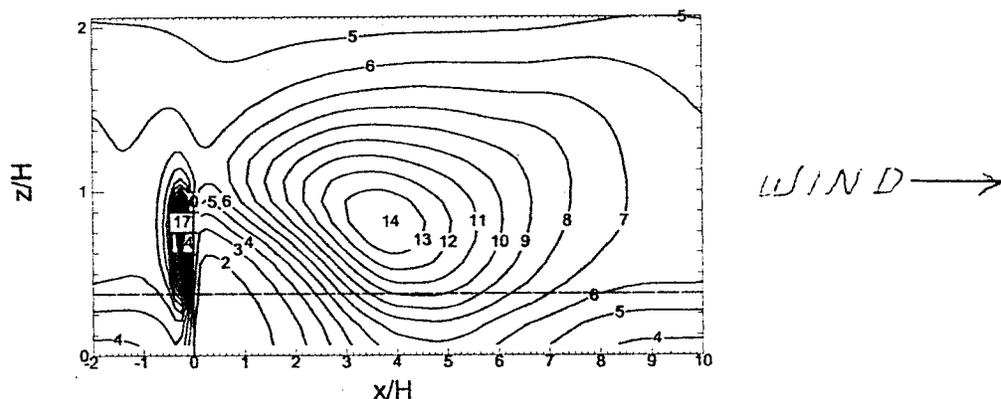


Figure 11. An x, z plot of the spanwise- and time-averaged resolved kinematic pressure variance from the LES. The contour values are in $(\text{m}^2 \text{s}^{-2})^2$.

secondary peak appears at fence-top height about $4H$ downstream. This contrasts with the distribution of turbulent kinetic energy (Figure 8), which exhibits a single maximum at $x/H \approx 6$, $z/H \approx 1$, downstream of the secondary pressure variance peak. The difference in the location of the two downstream peaks is subtle but the situation in front of the fence is predictable. Because of the obstruction, the flow decelerates in its approach to the fence and velocities, both average and turbulent, are diminished below their spatial mean values. Thus, kinetic energy of the mean and the turbulent parts of the flow are small at the fence. On the other hand, pressure builds at the upstream face of the windbreak, as would be the case for any flow obstruction and, since the approach flow is unsteady, the high pressure zone is also characterized by large pressure variance.

A region of small pressure variance exists immediately behind the fence to approximately match the region of small turbulent kinetic energy seen in Figure 8. Unlike the distribution of turbulent kinetic energy, however, low pressure variance extends above the top of the fence. This is despite the fact that the mean wind shear is large here and mean shear is a component of what is usually a major term in the Poisson equation for pressure (Thomas and Bull, 1983).

4.5. MOMENTUM BALANCE

Previous studies of windbreak flow have not included full discussions of the budgets of momentum and scalars, although, a few have discussed the turbulent kinetic energy budget for flow interacting with a shelter. For example, Finnigan and Bradley (1983) and McAneney and Judd (1991) showed vertical profiles of the turbulent kinetic energy budget, but were required to allocate terms to parameter-



- HOME
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Search

Advice

- All about bird tables
- Cats and garden birds
- Plantings for use in gardens
- Garden hedges
 - Planning a hedge
 - What to plant
 - Native shrubs
 - Non-native shrubs
 - Climbers
 - Planting a hedge
 - Care of a new hedge
 - Maintaining a hedge
 - Rejuvenating old hedges
 - Small gardens
 - The law and garden hedges
- Streams and garden fish ponds
- Non-toxic slug control in the garden
- What's in the road?
- Where have all the birds gone?
- Save The House Sparrow initiative

Garden hedges

In gardens, hedges are often the most important feature for wildlife. To some extent, the value of the hedge is in the way it is managed, and in the hedging material used.



January or February is the best period for pruning your hedge, before the nesting season

Many hedges are of a single species, but one with many species is more attractive and better for birds. Hedges can provide insect food and an abundance of berries.

An established thick hedge can provide ideal nesting and roosting sites, as well as cover from predators. It is likely to be the only hiding place in the garden. Hedge planting makes a valuable contribution to all kinds of wildlife, and your work will be rewarded when the hedge develops and the wildlife moves in.

Gardens need shelter from winds and may need screening for privacy. The usual practice is to surround a garden with a fence. These are quick to erect and provide an instant boundary, but they have disadvantages.

Being solid, a fence deflects the wind, which then comes down in a swirl on the leeward side, often damaging plants. Gardens sheltered by fences can be windy and draughty, and the fences can be blown down by the wind. Hedges allow the wind to pass through, but slow it down.

For every foot of hedge height, there are ten horizontal feet of shelter. Since plants on exposed sites suffer more from wind than from cold, the shelter created by a hedge can allow the cultivation of tender plants.

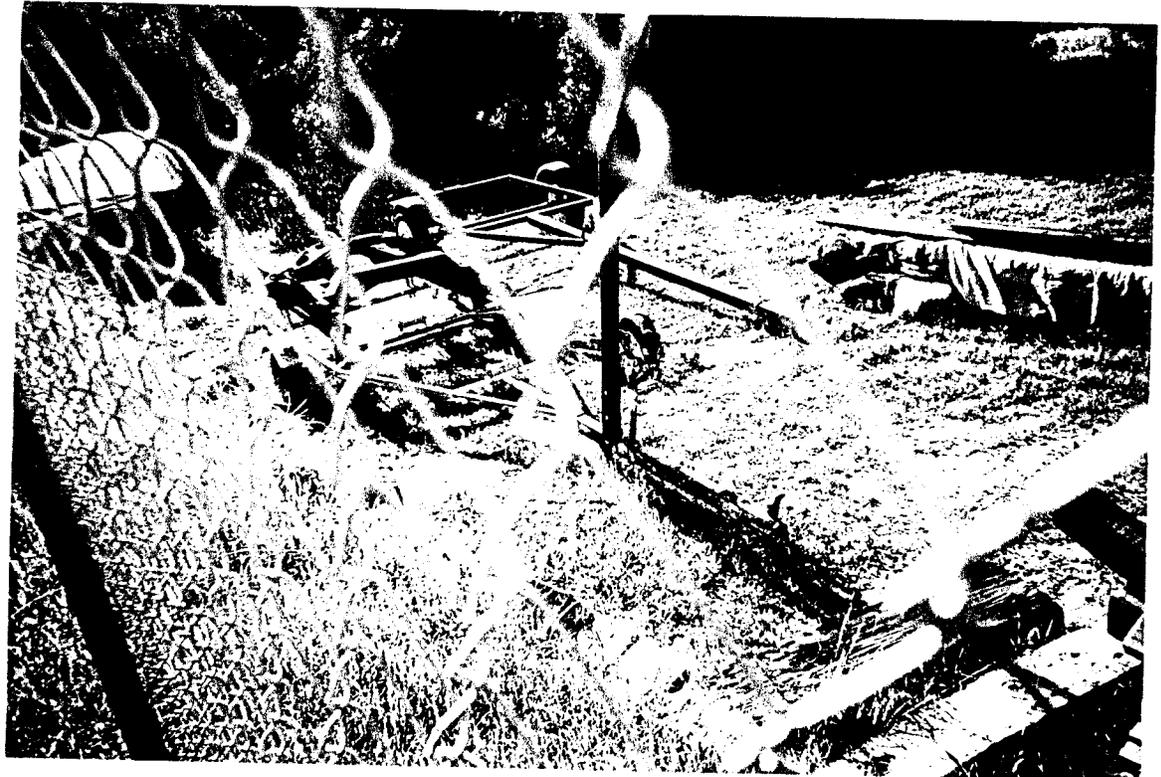
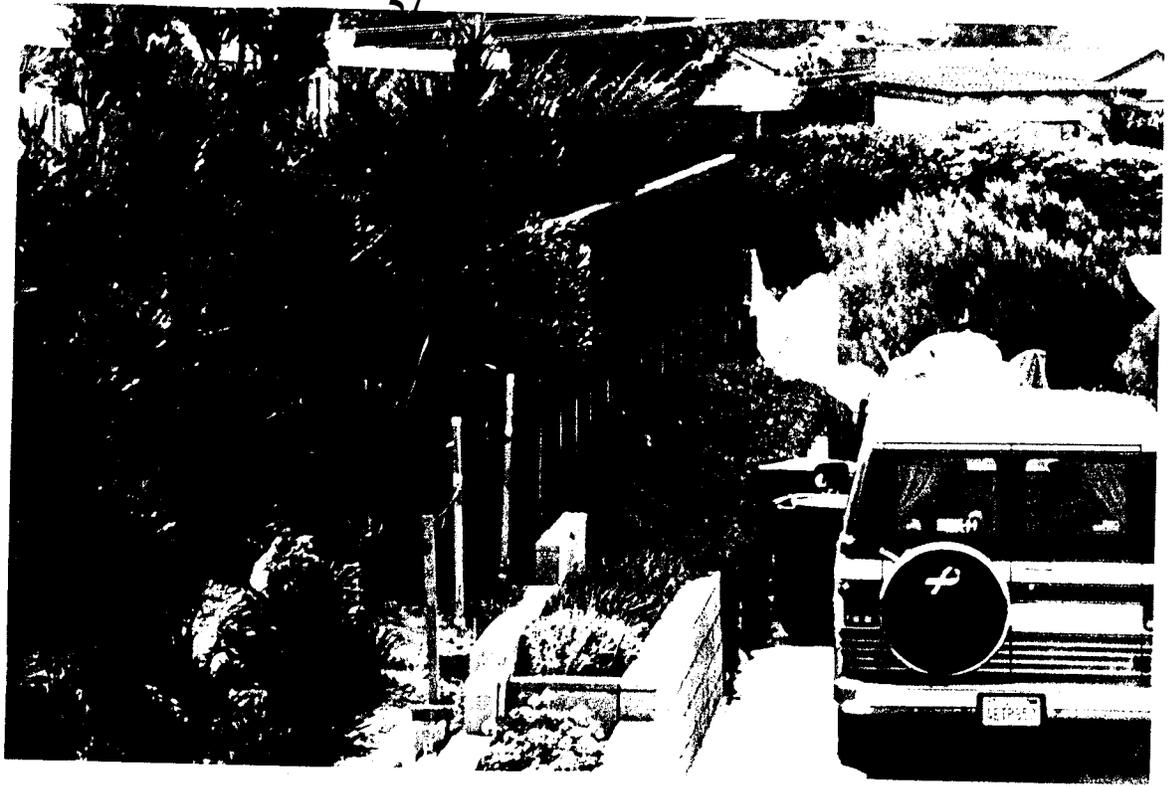
(2000)

See also

- Farm hedges and their management
- Hedgerows and the law

PLEASE READ THIS

EXHIBIT 10







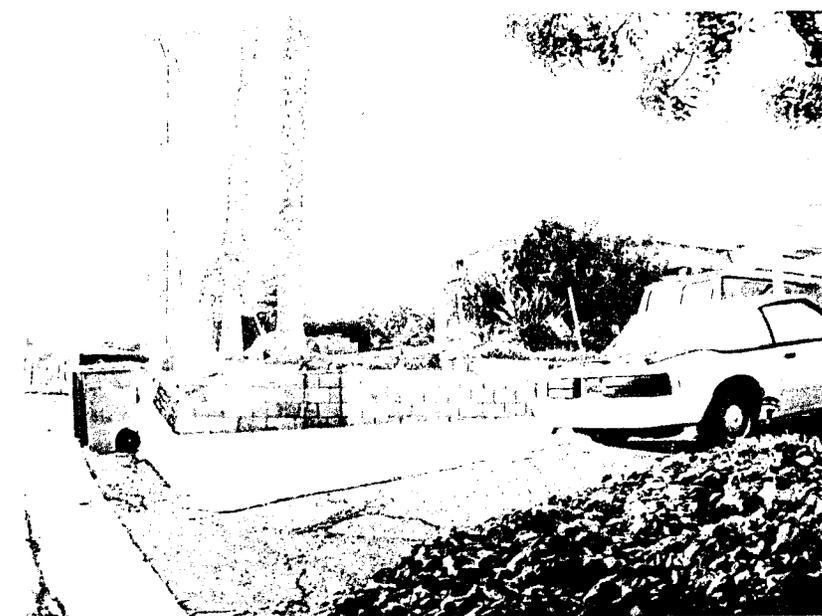
Fence at 5248 Zakon road, Torrance

view from top of hill
 3' fence required for permit on high retaining wall drop off
 6' fence on retaining wall down the back of the property.



Fence at 5248 Zakon road, Torrance

view looking up hill, 3' fence required for permit on high retaining wall

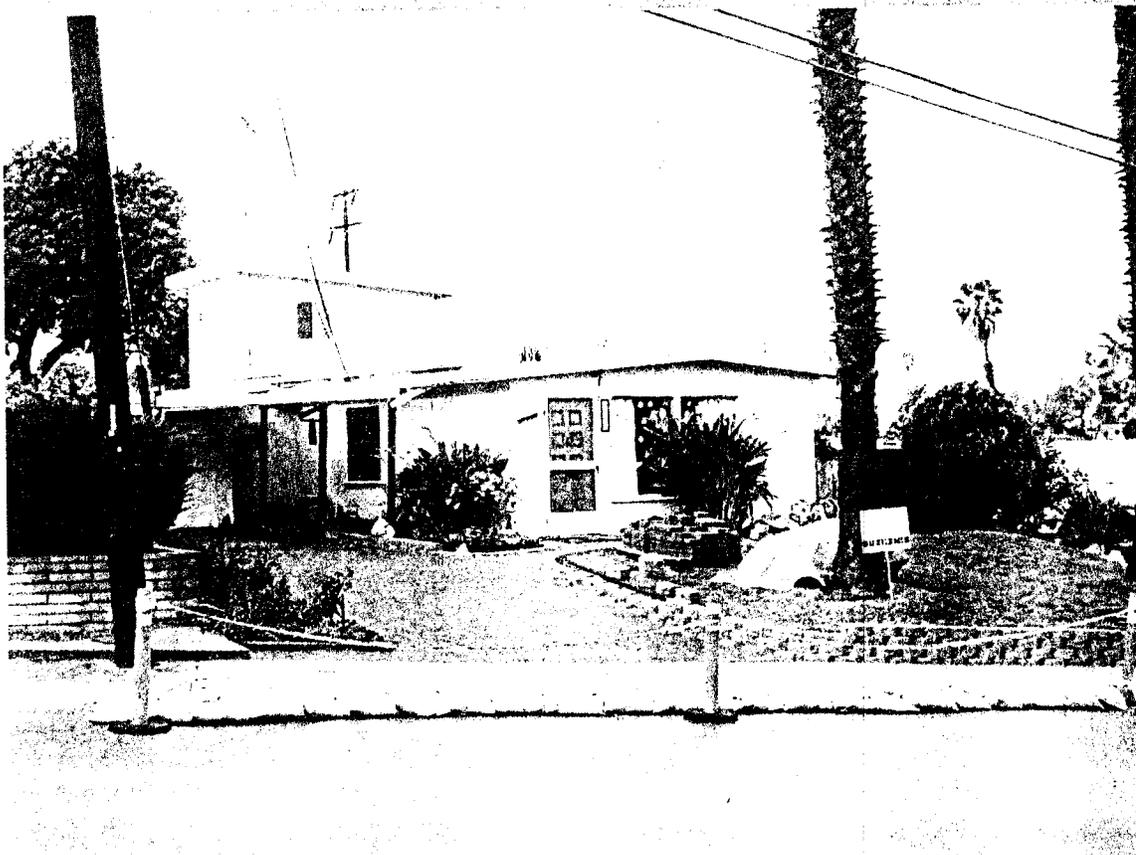


Retaining wall at 5364 Doris way

view looking up Doris way hill at retaining wall at 5364 Doris way

Miller Beautification Project

- 1. New brick driveway completed 2/24/06
- 2. New Sidewalk completed 2/24/06
- 3. New retaining wall along front side of house completed 2/24/06
- 4. New landscaping rear yard on going
- 5. New fence to be completed





Looking up hill at 5372 Doris way

Aesthetic view from 5372 Doris way home is blocked by homeowner's vehicles in drive way

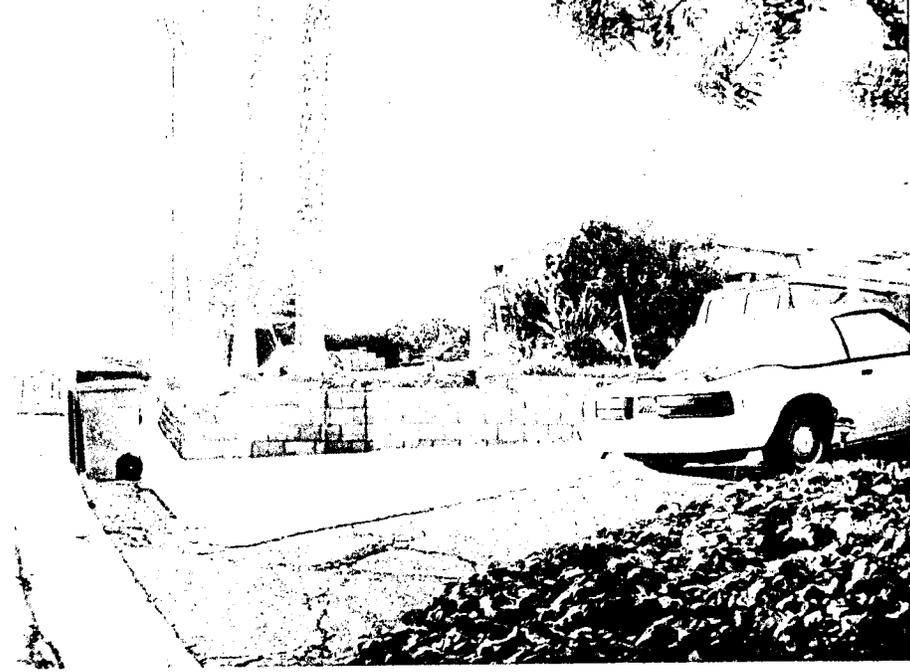


Clear traffic view not hindered by fence:

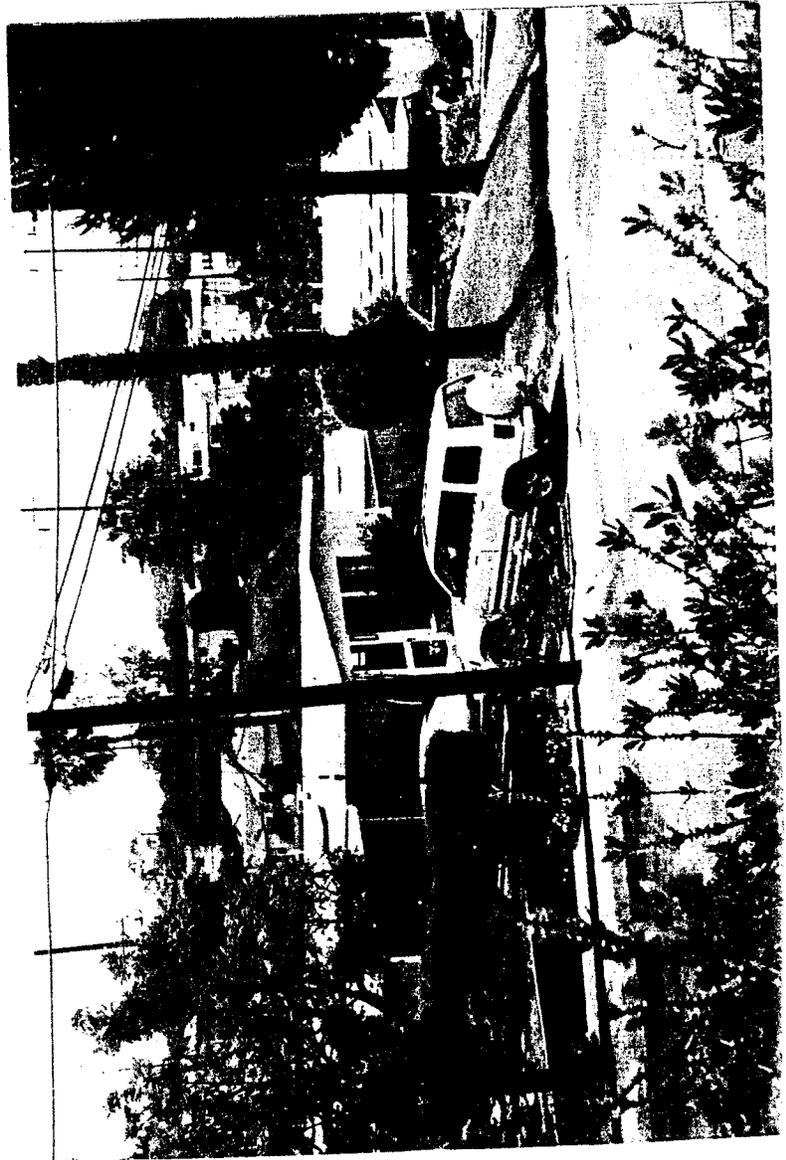
Proposed fence is set back at least 1 car length

Driver is located in center of car

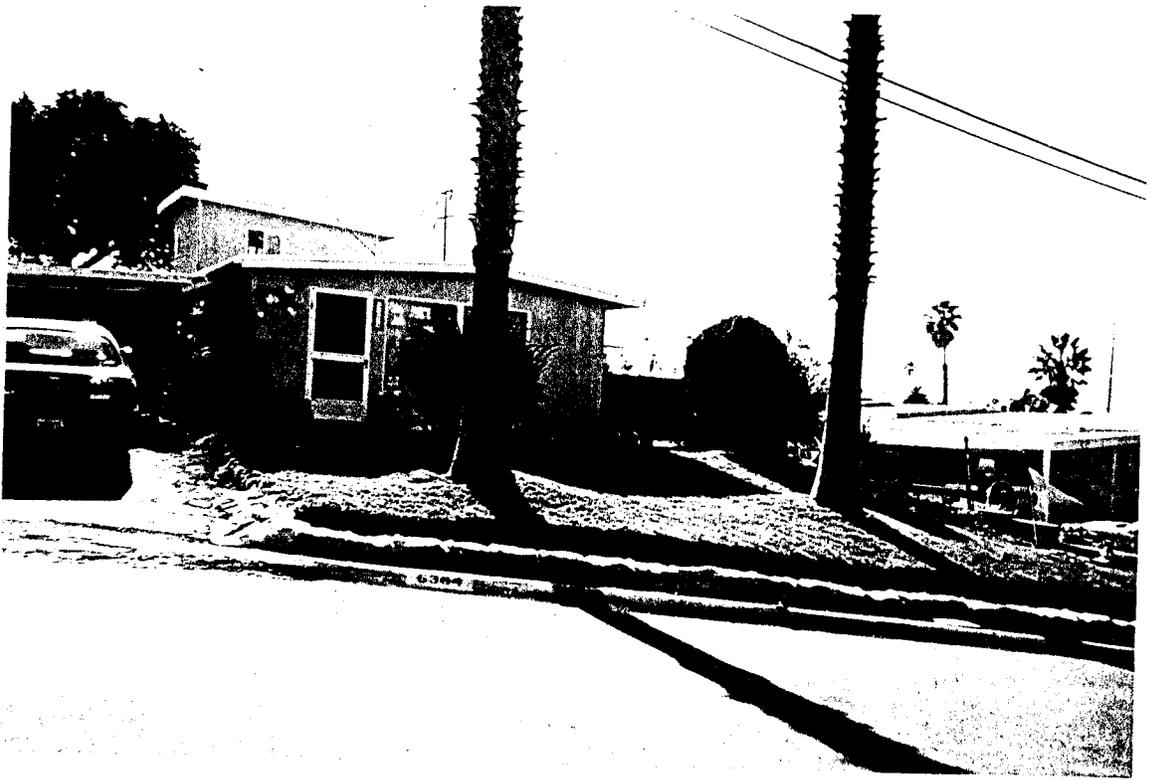
Driver has clear view up Doris way prior to tail of car entering side walk area prior to entering street



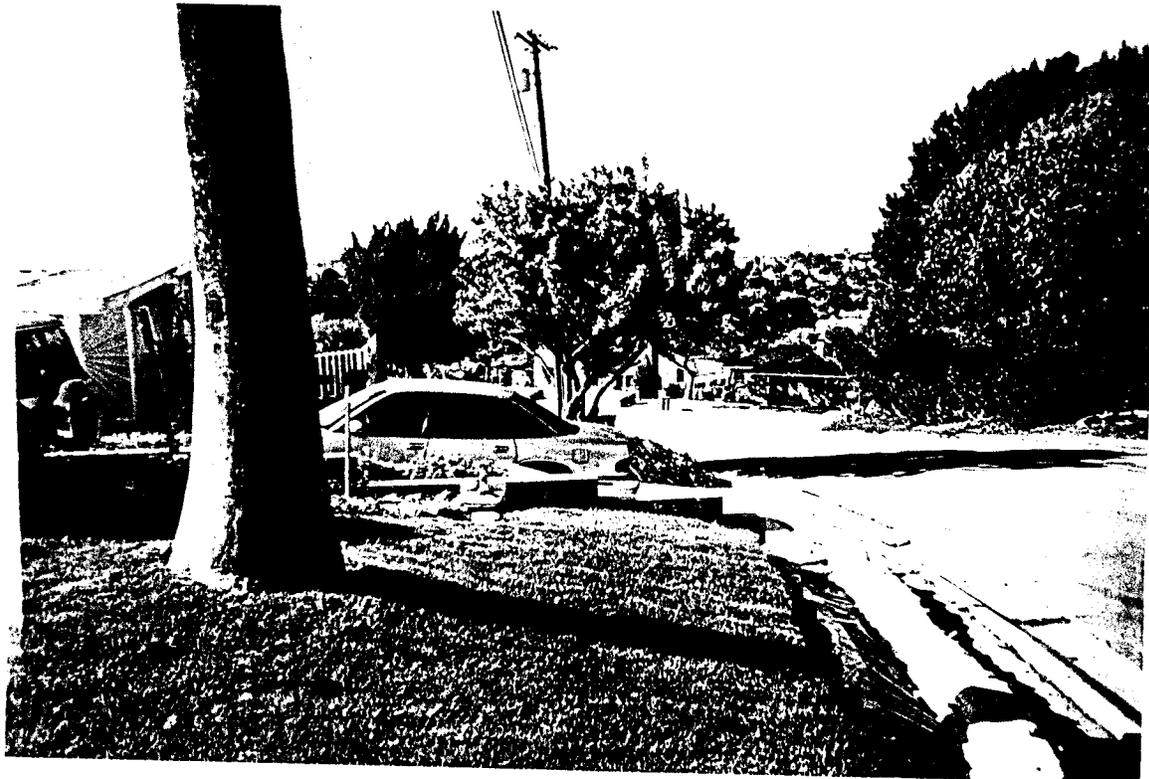












AGENDA ITEM NO. 13A**CASE TYPE & NUMBER:** MINOR HILLSIDE EXEMPTION – MIS06-00021**NAME:** Margaret Miller**PURPOSE OF APPLICATION:** Planning Commission review of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow a 4 foot fence along the western property line in the front yard on property located in the Hillside Overlay District.**LOCATION:** 5364 Doris Way**ZONING:** R-1: Single-Family Residential Zone/Hillside Overlay District**ADJACENT ZONING AND LAND USES:**

NORTH: R-1/Hillside Overlay District, one-story, single-family residences

SOUTH: R-1/Hillside Overlay District, one-story, single-family residences

EAST: R-1/Hillside Overlay District, one-story, single-family residences

WEST: Pacific Coast Highway

GENERAL PLAN DESIGNATION: Low Density Residential**COMPLIANCE WITH GENERAL PLAN:** Yes, a single-family residence with an attached garage complies with the Low-Density Residential designation.**EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES:** The subject property contains a two-story single-family home with an attached one-car garage.**ENVIRONMENTAL FINDINGS:** The construction of a fence on property improved with a single-family residence is Categorically Exempted by Section 15301 (e) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).**BACKGROUND AND ANALYSIS:**

The applicant requests approval of a 4 foot high fence in the front yard along the western property line on a property located within the Hillside Overlay District. There are no structures proposed in addition to the fence and there are no modifications proposed to the existing residence at this time. The project comes before the Planning Commission on an appeal of the Community Development Director's approval of the subject request.

The 10,500 square foot subject lot is predominately rectangular in shape with the exception of a radius street frontage. The property is currently developed with a two-story single-family residence and an attached front facing one-car garage. Properties along Doris Way gain in elevation when proceeding southeast from Robert Road creating tiered lots along the street.

Mr. Williams, the property owner of 5372 Doris Way, filed a complaint with the Environmental Division with regards to a fence being constructed along the shared side yard. He noted concerns of a possible surcharge onto their existing retaining wall from the footing of the fence, a view impairment and a concern that the fence will not provide

sufficient visibility of westward bound traffic along Doris Way. Staff notes that fence and related footings are proposed entirely on the applicants property and that a building permit was obtained for the fence to ensure that the proper footing design was used to prevent a surcharge on the existing retaining wall located at 5372 Doris Way.

Through the Minor Hillside Exemption process, potential view, light, air, and privacy impacts to surrounding properties are evaluated. After an inspection of the property, staff determined that the subject fence would not create significant view, light, air, or privacy impacts to surrounding properties but would have a 3 foot encroachment into the required line of sight. The applicants agreed to comply with reducing the proposed depth of the fence by 3 feet provided they could increase the height to 4 feet. The 4 foot proposal was approved with the added conditions that the front 3 feet of the fence be eliminated and that all Building and Safety requirements are met. Mr. Williams, of 5372 Doris Way, appealed the Community Development Director's approval to the Planning Commission. (Attachment #3).

Therefore, based on the analysis presented above, staff recommends approval of this fence subject to the conditions set forth in the attached resolution. Staff notes that the applicant has provided written material for the Planning Commission to review.

PROJECT RECOMMENDATION: APPROVAL

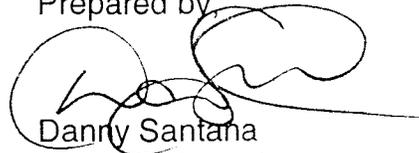
FINDINGS OF FACT IN SUPPORT OF APPROVAL OF THE PROJECT:

Findings of fact in support of approval are set forth in the attached resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:

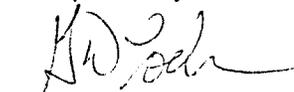
Recommended conditions for the project are set forth in the attached resolution.

Prepared by,



Danny Santana
Planning Associate

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

ATTACHMENTS:

1. Resolution
2. Location and Zoning Map
3. February 15, 2006 Planning Meeting Agenda Item
4. Appeal
5. Administrative Approval and Attachments
6. Correspondence
7. Site Plan, Elevations & Detail

PLANNING COMMISSION RESOLUTION NO. 06-030

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A 4 FOOT FENCE ALONG THE WESTERN PROPERTY LINE IN THE FRONT YARD ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 5364 DORIS WAY.

MIS06-00021: MARGARET MILLER

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on February 15, 2006, to consider an appeal of the Community Development Director's approval of a Minor Hillside Exemption filed by Margaret Miller to allow a 4 foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way; and

WHEREAS, the Planning Commission continued the request to the March 1st, 2006 meeting; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, the project is determined to be Categorically Exempt from California Environmental Quality Act (CEQA) pursuant to the 2005 Guidelines for Implementation by Section 15301; and

WHEREAS, the Planning Commission of the City of Torrance does hereby find and determine as follows:

- A) That the property address is 5364 Doris Way.
- B) That the property is located on Lot 16, Block 1 of Tract # 15397.
- C) The project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site.
- D) The proposed fence, as conditioned, will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity because there are does not appear to exist any view corridors that obstructed by the fence that are significant in nature.

- E) The proposed fence, as conditioned, has been located, planned and designed so as to avoid encroachment into the line of sight for the adjoining property and does not appear to intrude on the views, light, air and privacy of other properties in the vicinity since the proposed fence is only four feet high.
- F) The proposed fence provides an orderly and attractive design that will improve the amount of useable rear yard recreation space and the residence is in harmony with other properties in the vicinity.
- G) The proposed fence will not have a harmful impact upon the land values and investment of other properties in the vicinity because the proposed fence does not result in a significant view impairment and has been conditioned to comply with the line of sight standard.
- H) The granting of such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a single-family residence is an appropriate use for this property and the proposed fence request represents a minor modification to an existing residence.
- I) The proposed fence would not cause or result in an adverse cumulative impact on other properties in the vicinity because it will not cause significant view, light, air, or privacy impacts and will comply with the development standards of the R-1 Zone.

WHEREAS, the Planning Commission by the following roll call vote APPROVED MIS06-00021, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that MIS06-00021, filed by Margaret Miller to allow a 4 foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Minor Hillside Exemption 06-00021 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said

use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval;

2. That if this Minor Hillside Exemption MIS06-00021 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. The applicant shall obtain all necessary building permits and safety inspections; (Building and Safety) and
4. The applicant shall eliminate the front 3 feet of the proposed fence to the satisfaction of the Community Development Director; (Development Review)
5. That any conditions of other departments received prior to or during the meeting shall be met.

Introduced, approved and adopted this 1st day of March 2006.

Chairman, Torrance Planning Commission

ATTEST:

Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, GREGG LODAN, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 1st day of March 2006, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission

AGENDA ITEM NO. 13A

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: MINOR HILLSIDE EXEMPTION – MIS06-00021/Margaret Miller
 Planning Commission review of an appeal of a Community
 Development Director approval of a Minor Hillside Exemption to
 allow a 4 foot fence along the western side yard in the front yard
 along on property located within the Hillside Overlay District in the R-
 1 Zone at 5364 Doris Way.

The appellant has informed staff that he will be out of town during the February 15th, 2006 Planning Commission meeting and would like the matter continued to the March 1st, 2006 meeting. Staff has no objections to this request.

Prepared by,



Danny Santana
 Planning Associate

Respectfully submitted,



Jane Isomoto
 Planning Manager

Attachments:

- 1.) Correspondence from Appellant

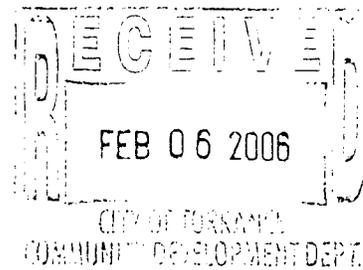
February 2, 2006

Mr. Danny Santana

Per our telephone conversation please schedule the MIS06-00021 Appeal meeting for March 1, 2006. Thank you.

Any questions please contact the undersigned.

Jim Williams
310-316-3958



DATE: January 26, 2006

TO: Jeffery W. Gibson, Community Development Director

FROM: Development Review Division

SUBJECT: **MINOR HILLSIDE EXEMPTION (MIS06-00021) – Margaret Miller**

Request for an Administrative Approval of a Minor Hillside Exemption to allow construction of a 4' front yard fence along western side yard of the property located within the Hillside Overlay District in the R-1 zone at 5364 Doris Way.

Applicant: Margaret Miller
 Case No: MIS06-00021
 Location: 5364 Doris Way
 Zoning: R-1: Single-Family Residential, Hillside Overlay District

The applicant, Margaret Miller, is requesting approval of a Minor Hillside Exemption to allow construction of a 4 foot high fence in the front yard along the western side yard of the property located within the Hillside Overlay District in the R-1 Zone. The proposed fence would be located entirely on the applicant's property adjacent to an existing retaining wall that exists on the property to the west at 5372 Doris Way. There are no structures proposed in addition to the fence and there are no modifications proposed to the existing residence at this time.

The applicant obtained a building permit for a 3 foot high fence that extended 24 feet back of the front property line. Fences/walls 3 feet or less typically do not require a building permit, however, because of the proximity of the proposed fence to the existing retaining wall at 5372 Doris Way, a permit was required to ensure that the proper footings were used and to prevent a surcharge on the existing retaining wall. The property owners of 5372 Doris Way filed a complaint with the Environmental Division due to concerns with the possibility of a surcharge onto their wall, a significant view impairment and a concern that the fence will not provide sufficient visibility of westward bound traffic along Doris Way.

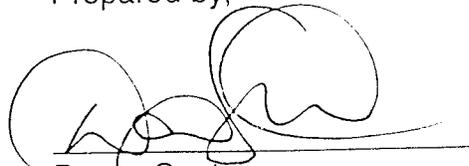
Through the Minor Hillside Exemption process, potential view, light, air, and privacy impacts to surrounding properties are evaluated. The Grading Division has verified that the footing design was appropriate to avoid a surcharge on the adjacent retaining wall. Staff from the Environmental Division verified prior to the issuance of permit that the proposed fence would not result in a line of sight issue. After a site inspection of the property, staff from the Development Review and Environmental Divisions determined that the proposal would have a slight encroachment into the line of sight requirement that would require the front 3 feet to be eliminated from the proposed fence. The applicants agreed to comply with reducing the proposed depth of the fence by 3 feet provided they could increase the height to 4 feet. After determining that there does not appear to be the potential for any significant view impairments as a result of the proposed fence, staff did not object to the request to increase the height to 4 feet as it is within the heights allowed by the Torrance Municipal Code allowed in the R-1 zone.

Copy mailed to applicant - 1/27/06 (DS/ac)

Staff from the Development Review and Environmental Divisions informed the property owner of 5372 Doris Way of their findings. The property owner of 5372 Doris Way continues to object to the proposed fence citing a line of sight issue and a view loss of a recently remodeled residence located at the southeast corner of Doris Way and Bindewald Road at 5345 Doris Way. In the judgment of staff, the line of sight criteria has been met and there does not appear to be any significant view impairments. Therefore, staff recommends approval of this request subject to the following conditions:

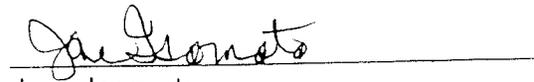
1. The applicant shall obtain all necessary building permits and safety inspections; (Building and Safety) and
2. The applicant shall eliminate the front 3 feet of the proposed fence to the satisfaction of the Community Development Director; (Development Review)

Prepared by,



 Danny Santana
 Planning Associate

Recommended by,



 Jane Isomoto
 Planning Manager

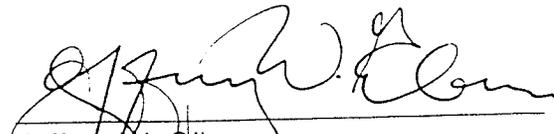
Attachments:

1. Correspondence
2. Site Plan and Elevations

This request for a Minor Hillside Exemption (MIS06-00021) is APPROVED
 DENIED per Section 91.41, R-H Hillside and Local Coastal Overlay Zone of the
 Torrance Municipal Code, Division 9.

26 Jun 06

 DATE



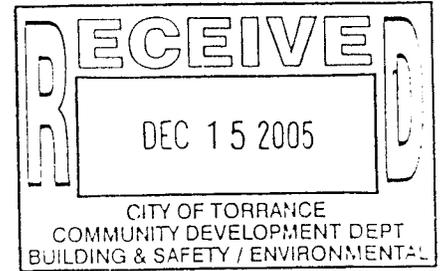
 Jeffrey W. Gibson
 Community Development Director

Decisions made by the Community Development Director are appealable to the Planning Commission within 15 calendar days following the above date of approval/denial.

James & Dianne C. Williams

December 12, 2005

Mr. Curt Dittman
 Supervisor of Community Development
 City of Torrance
 3031 Torrance Blvd.
 Torrance, CA 90509-2970



Re: New fence construction at 5364 Doris Way.

Dear Mr. Dittman:

I had a phone conversation with a Mr. Dean Martin of Building & Safety, on December 9, 2005 and he suggested that I prepare this letter, send it to you and others that can handle these types of matters regarding construction of a new fence within the city of Torrance. The fence in question is being built at 5364 Doris Way and it is located between our property at 5372 and our neighbors. (See photos included within) Through additional phone conversations with Mr. Martin, we have learned that the new fence is being built without a permit. We do not know exactly how high or how long our neighbors plan to build the fence, but we would like to object to the installation of the said fence for the following reasons:

1. This fence, if it is only 3 feet high, and will completely take away our view from our living room, when we are looking south on Doris way. The grade level of our neighbors lot is already about 3 ½ + feet higher then our lot is to start with. It will look like a 6 + foot high fence to us.
2. This fence will totally block our view of oncoming traffic going north bound on Doris way as we back our cars and or van with boat trailer attached out of our driveway we will find ourselves in a blind spot thus creating a traffic hazard.
3. We do not know how deep our neighbors have placed their post foundations into the ground of very sandy soil. This was done when we were out of town. We would like to point out that at times we experience very heavy winds that come from the north blowing up the hill on Doris Way which can be in the range of 50 +MPH. These winds will blow directly against the side of fence and could cause it to blow down thus causing damage to our block wall flowerbed in the area where the fence posts foundations are located. Our block wall for the most part is one block high resting on a concrete pour without reinforcement and it will not take a lot pressure to pull it out of the ground. If damage should happen to our block wall who should we hold responsible, the city of Torrance for issuing a permit or our neighbors?

We have had a tremendous amount of trouble from our neighbors over the past five years and we would be happy to review these problems with you if you like. We view the latest move to build this fence as another move to harass us. This fence is nothing more than a spite fence and will end up being an "eye-sore" to our community it should not be allow at the front of their property. We think we have stated very valid reasons to deny the fence construction and we are formally opposing her plans.

Sincerely;

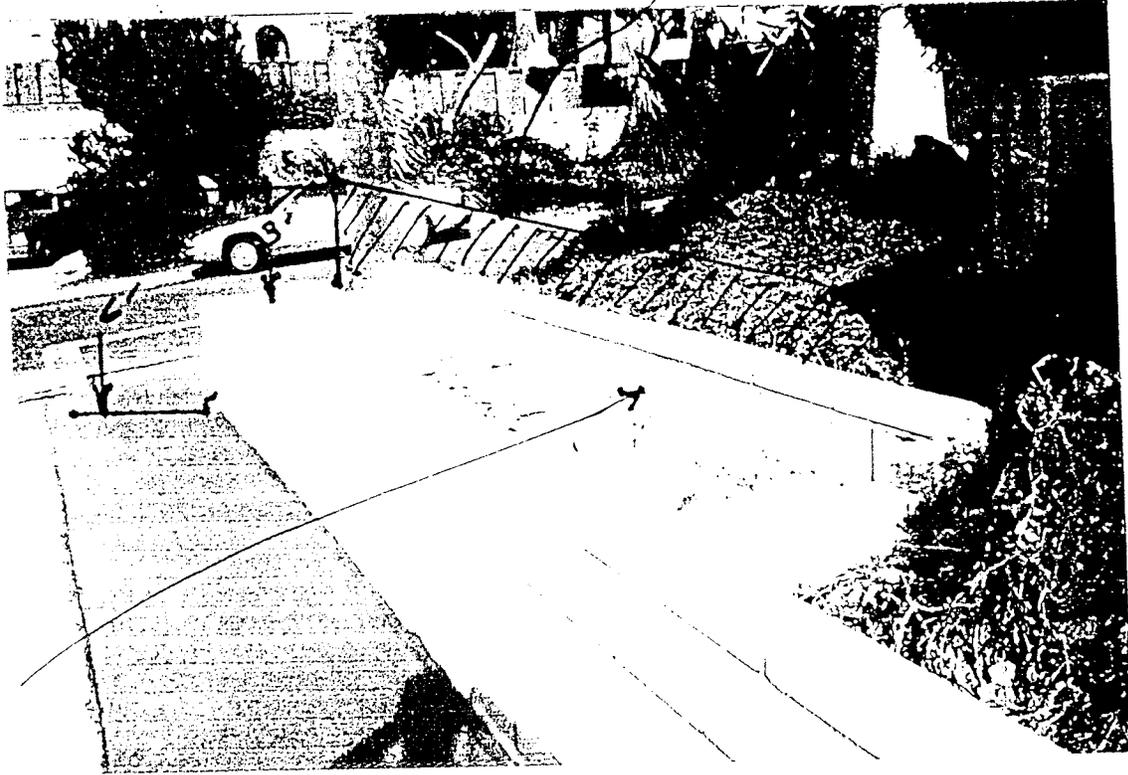
James A. Williams
Dianne C. Williams

James A. & Dianne C. Williams
5372 Doris Way
Torrance, CA 90505
(310) 316-3958

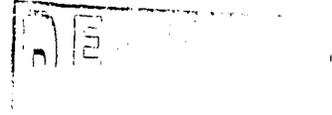
C.C.

Mr. Jeff Gibson Director of Community Development
Mr. Dean Martin Community Development, Department of Building & Safety

PROPOSED FENCE



ONE BLOCK HIGH ON CONCRETE



FEB 16 2006

February 16, 2006

RE: 5364 Doris Way, Torrance CA 90505
MIS 06-00021

Dear Members of the Planning Commission:

I would like to invite you to come look at my proposed fence. I would like to make myself available as much as possible. I do have a permit issued by the City in December 2005. I will be available February 19th, 20th, and the 23rd through the 26th.

Look forward to meeting you.

A handwritten signature in cursive script that reads "Marge Miller".

Marge Miller

(310) 316-7437 Home

FEB 24 2006

Timeline for Fence @ 5364 Doris Way

Date

- November 26, 2005** – Dig and pour foundations for fence.
- Early December, 2005**- Undated notice left at door from City Inspector Dean Martin indicating that as long as fence is less than 3 ft high it is ok to proceed with construction.
- December 8, 2005** - While nothing is done on fence, receive a second notice from Dean Martin informing us to stop all work and obtain a permit.
- December 12, 2005**- Karen Miller, owner's daughter, meets with Curt Dittman (Engineer for City) to present information on fence and inquire about obtaining a permit. Also meets with John Nance about possible impact on neighbor's view. John prints aerial photo and assures Karen the fence would not violate City guidelines regarding view. John suggests we take exact measurements to verify his findings.
- December 14, 2005**- Jim Burk, Marge Miller's friend obtains measurements from 5364 and 5372 Doris Way and meets with John Nance. Again assured by John that view would not violate City guidelines.
- December 15, 2005**- Marge Miller obtains permit for 3 ft fence. She is informed Don Litts (City Inspector) will be by the property to inspect. She requests that she be allowed to postpone Don's visit until some one can meet him at the property to answer any questions.
- December 22, 2005**- Don Litts comes to property without being called. Issues a Stop Work Order because concrete has been poured and view impact.
- January 4, 2006**- Marge Miller requests a meeting with Don Litts and John Nance. However, instead meets with Danny Santana, Sharron Jones and Felipe Segovia. They show us a letter written by James Williams asking the City to stop the fence. Letter dated December 12, 2005, but submitted to City on December 15, 2005.
- January 5, 2006**- Danny Santana and Sharron Jones come to site and take measurements of both properties. Both indicate that if first post is moved 3 feet south, then fence height could be four feet, and City would approve. This puts first post 17 ft from back of

curb. When informed of decision, James Williams indicates he will appeal decision.

- January 26, 2006-** Letter from Community Development approving the fence.
- February 1, 2006-** James Williams files an appeal.
- February 15, 2006-** James Williams request postponement of Planning meeting. Rescheduled for March 1, 2006.



CITY OF TORRANCE

Dean Martin
SENIOR BUILDING INSPECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

3031 Torrance Boulevard • Torrance, California 90503
310.781.7628 • Fax 310.618.5922 • Email: dmartin@tor.net.com
7:30am-5:30pm Mon.-Thurs. • 7:30am-4:30pm Alternating Friday

Printed on Recycled Paper

NOTICE

JOB ADDRESS 5364 Doris Wy.
OWNER

TYPE OF INSPECTION Follow-up CASE # 90503-0189

This department has received a citizen's complaint on this property. Said complaint concerns construction without benefit of permit(s) and inspection(s), such as: WOOD FENCE.

Please stop all work that requires permit(s). Within 30 calendar days, please secure permit(s) and call for inspection. [Note: More corrections may follow that inspection.]

OWNER YOU NOTE: FENCES ARE WITHIN 3' HIGH OF NEAR EXISTING PERMITS. IS FENCE HEIGHT OF FENCE IS APPROX 7' HIGH ON

DATE 12/22/05 INSPECTOR'S NAME Don L. [Signature]

CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPARTMENT
3031 TORRANCE BLVD. • (310) 618-5901
Inspector's Office Hours
Between 7:00-8:00 a.m. & 4:00-5:00 p.m. Daily
3:30-4:00 p.m. Alternating Fridays

NOTICE

JOB ADDRESS 5364 Doris Wy
OWNER MILLER, MARGARET
TYPE OF INSPECTION FENCE CASE # BLD05-030
STOP WORK

NO INSPECTION FOR DEPTH OF FOOTINGS OR LINE OF SIGHT FOR PEDESTRIAN TRAFFIC HAS BEEN MADE.
DO NOT CONTINUE WITH CONSTRUCTION OF FENCE UNTIL THESE ITEMS ARE ADDRESSED BY THE CITY.

FOR QUESTIONS CALL FELIPE SEGOWA, BLDG. REGS. ADMINISTRATOR AT 618-5910

DATE 12/22/05 INSPECTOR'S NAME Don L. [Signature]

CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPARTMENT
3031 Torrance Blvd.
Torrance, CA 90503 (310) 618-5910
www.torrcnet.com

BUILDING PERMIT
Permit #: BLD05-03092
Issued: 12/15/2005
Issued by: EF
Date sub.: 12/15/2005

Job 5364 DORIS WAY
LOT BLOCK TRACT

APN: 7530-006-016
Zone: R1
Group: U-2
Type of Const: 5N
Valuation: \$ 203.00

For inspections call (310) 618-5901

Owner: _____

MILLER MARGARET A PH#1:
5364 DORIS WAY PH#2:
TORRANCE CA 90505-4321 PH#3: 310/793-1696

Project Description: FENCE 24'X3'HI @ NO WEST SIDE OF PROPERTY. NOT SHARED

OWNER / BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors License Law for the following reason:
() I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale.
() I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 704 of the Business and Professions Code).

Owner: _____ Date: _____

LICENSED CONTRACTOR'S DECLARATION

I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing at Sec. 3700) of Division 3 of the Business and Professions Code, and my license is in full force and effect.
OWNER/BUILDER

PHONE: _____
LIC#: _____ EXP: _____ CLASS: _____
Signature: _____ Date: _____

WORKER'S COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following per Sec. 3700 of the Labor Code:
() I have and will maintain workers' comp. ins., or a certificate of consent to self insure for workers' comp. for the performance of the work for which the permit is issued.
Policv#: _____ Exp Date: _____
Company: _____
() I certify that in the performance of work for which the permit is issued, I shall not employ any person in any manner so as to become subject to the workers' comp. laws of CA, and agree that if I should become subject to the workers' comp. provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.
Sig: _____ Date: _____

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction Lending agency for the performance of this work for which this permit is issued (Section 3097 California Civil code).

Lender's name: _____
Address: _____

BUILDING

TYPE OF WORK:	OTH	PLANS:	N
TYPE OF USE:	SF	UNDRGND UTL REQ?:	N
TYPE CONST.:	5N	HILLSIDE?:	Y
OCC GROUP:	U-2	YR BLT (demo):	
OCC LOAD:		SCHOOL FEE AREAS:	
	ATTACHED/DETACHED UNIT:	RES:	0 sf
BLDG AREA:	0 sf	COM:	0 sf
HTD/COOL:	0 sf	ISSUED:	12/15/2005
BUILDINGS:	0	EXPIRES:	06/13/2006
STORIES:	0		
DWELL UNITS:	0		

APPROVALS	DATE	SIGNATURE
TRENCHES, FORMS, LOCATION, ETC		
FLOOR JOIST/STEEL MESH		
FRAME		
INSULATION		
SUSPENDED CEILING		
ROOF NAILING		
DRY WALL/LATH. INTERIOR		
SIDING/LATH. EXTERIOR		
FINAL		

RIGHT OF ENTRY: I certify that I have read this application and state that the above information is correct. I agree to comply with all City and applicable County ordinances, and State laws relating to building construction and hereby authorize representatives of the City to enter upon the above mentioned property for the purposes of inspections.

Signature: _____ Date: _____

ANY PERMIT ISSUED AS A RESULT OF THIS APPLICATION BECOMES NULL AND VOID IF WORK IS NOT COMMENCED WITHIN 180 DAYS FROM DATE OF ISSUANCE OF SUCH PERMIT OR FROM THE DATE WORK IS SUSPENDED OR ABANDONED. CLAIMS FOR REFUNDS OF ANY FEES MUST BE FILED WITHIN 100 CALENDAR DAYS FROM THE DATE COLLECTED BY THE CITY.



DATE: January 26, 2006
TO: Jeffery W. Gibson, Community Development Director
FROM: Development Review Division
SUBJECT: **MINOR HILLSIDE EXEMPTION (MIS06-00021) – Margaret Miller**

Request for an Administrative Approval of a Minor Hillside Exemption to allow construction of a 4' front yard fence along western side yard of the property located within the Hillside Overlay District in the R-1 zone at 5364 Doris Way.

Applicant: Margaret Miller
Case No: MIS06-00021
Location: 5364 Doris Way
Zoning: R-1: Single-Family Residential, Hillside Overlay District

The applicant, Margaret Miller, is requesting approval of a Minor Hillside Exemption to allow construction of a 4 foot high fence in the front yard along the western side yard of the property located within the Hillside Overlay District in the R-1 Zone. The proposed fence would be located entirely on the applicant's property adjacent to an existing retaining wall that exists on the property to the west at 5372 Doris Way. There are no structures proposed in addition to the fence and there are no modifications proposed to the existing residence at this time.

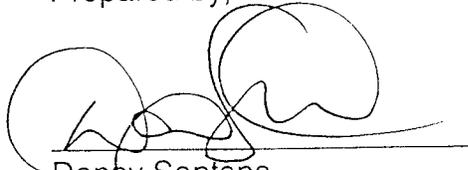
The applicant obtained a building permit for a 3 foot high fence that extended 24 feet back of the front property line. Fences/walls 3 feet or less typically do not require a building permit, however, because of the proximity of the proposed fence to the existing retaining wall at 5372 Doris Way, a permit was required to ensure that the proper footings were used and to prevent a surcharge on the existing retaining wall. The property owners of 5372 Doris Way filed a complaint with the Environmental Division due to concerns with the possibility of a surcharge onto their wall, a significant view impairment and a concern that the fence will not provide sufficient visibility of westward bound traffic along Doris Way.

Through the Minor Hillside Exemption process, potential view, light, air, and privacy impacts to surrounding properties are evaluated. The Grading Division has verified that the footing design was appropriate to avoid a surcharge on the adjacent retaining wall. Staff from the Environmental Division verified prior to the issuance of permit that the proposed fence would not result in a line of sight issue. After a site inspection of the property, staff from the Development Review and Environmental Divisions determined that the proposal would have a slight encroachment into the line of sight requirement that would require the front 3 feet to be eliminated from the proposed fence. The applicants agreed to comply with reducing the proposed depth of the fence by 3 feet provided they could increase the height to 4 feet. After determining that there does not appear to be the potential for any significant view impairments as a result of the proposed fence, staff did not object to the request to increase the height to 4 feet as it is within the heights allowed by the Torrance Municipal Code allowed in the R-1 zone.

Staff from the Development Review and Environmental Divisions informed the property owner of 5372 Doris Way of their findings. The property owner of 5372 Doris Way continues to object to the proposed fence citing a line of sight issue and a view loss of a recently remodeled residence located at the southeast corner of Doris Way and Bindewald Road at 5345 Doris Way. In the judgment of staff, the line of sight criteria has been met and there does not appear to be any significant view impairments. Therefore, staff recommends approval of this request subject to the following conditions:

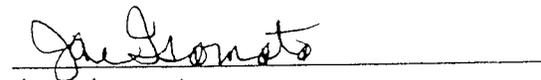
1. The applicant shall obtain all necessary building permits and safety inspections; (Building and Safety) and
2. The applicant shall eliminate the front 3 feet of the proposed fence to the satisfaction of the Community Development Director; (Development Review)

Prepared by,



Danny Santana
Planning Associate

Recommended by,



Jane Isomoto
Planning Manager

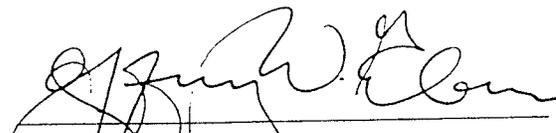
Attachments:

1. Correspondence
2. Site Plan and Elevations

This request for a Minor Hillside Exemption (MIS06-00021) is APPROVED
 DENIED per Section 91.41, R-H Hillside and Local Coastal Overlay Zone of the
 Torrance Municipal Code, Division 9.

26 Jun 06

 DATE



Jeffrey W. Gibson
Community Development Director

Decisions made by the Community Development Director are appealable to the Planning Commission within 15 calendar days following the above date of approval/denial.



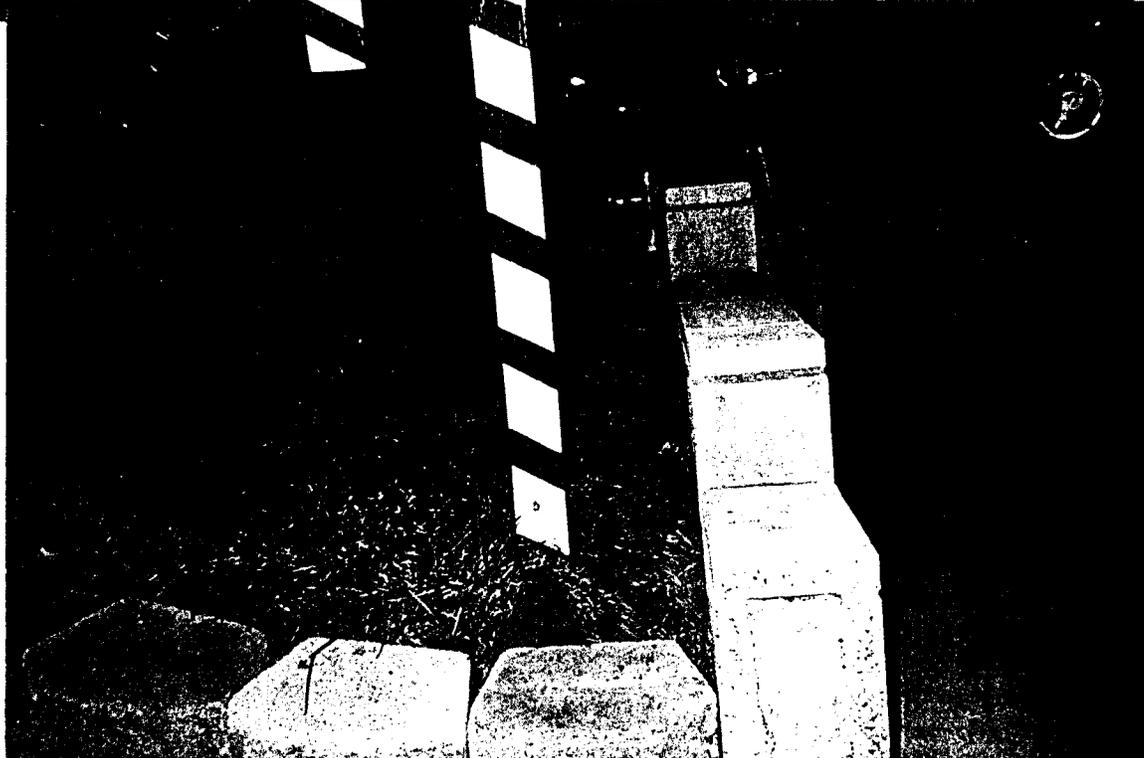
Style of fence to be erected



Showing where markers begin.

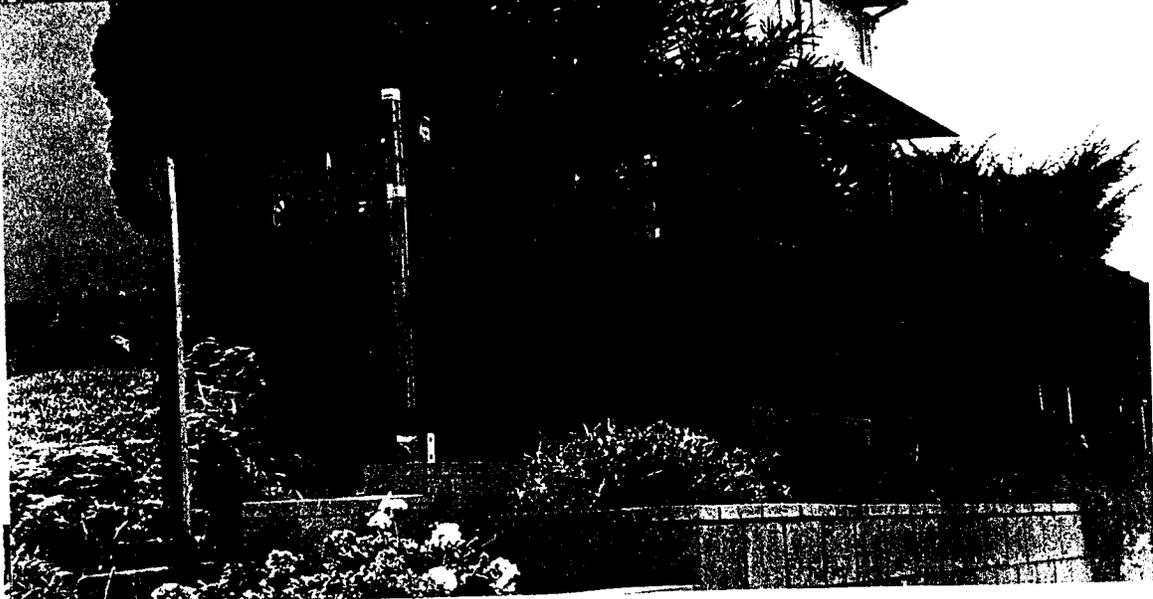


Note -
Stair-stepping
Block wall
Gives me
concern for
safety
factor.





Holding sheet
the 17 feet.
Plenty of view
up and down
the street.



Note position
of markers
from block
wall.

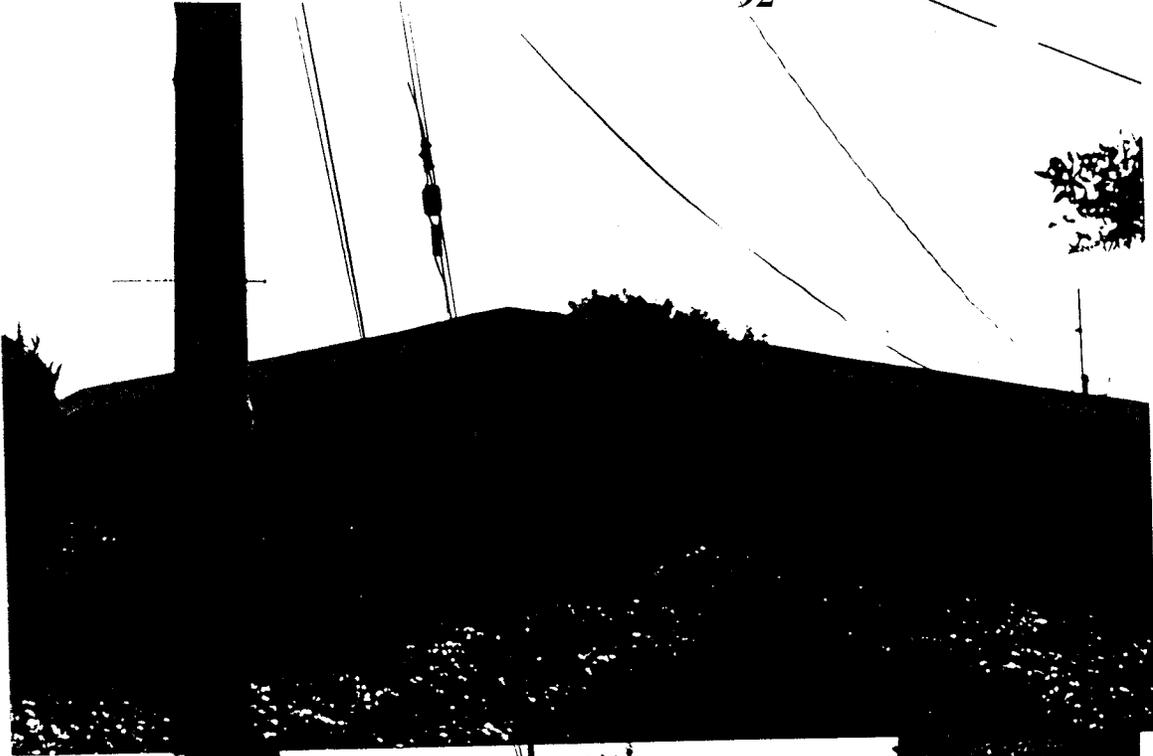




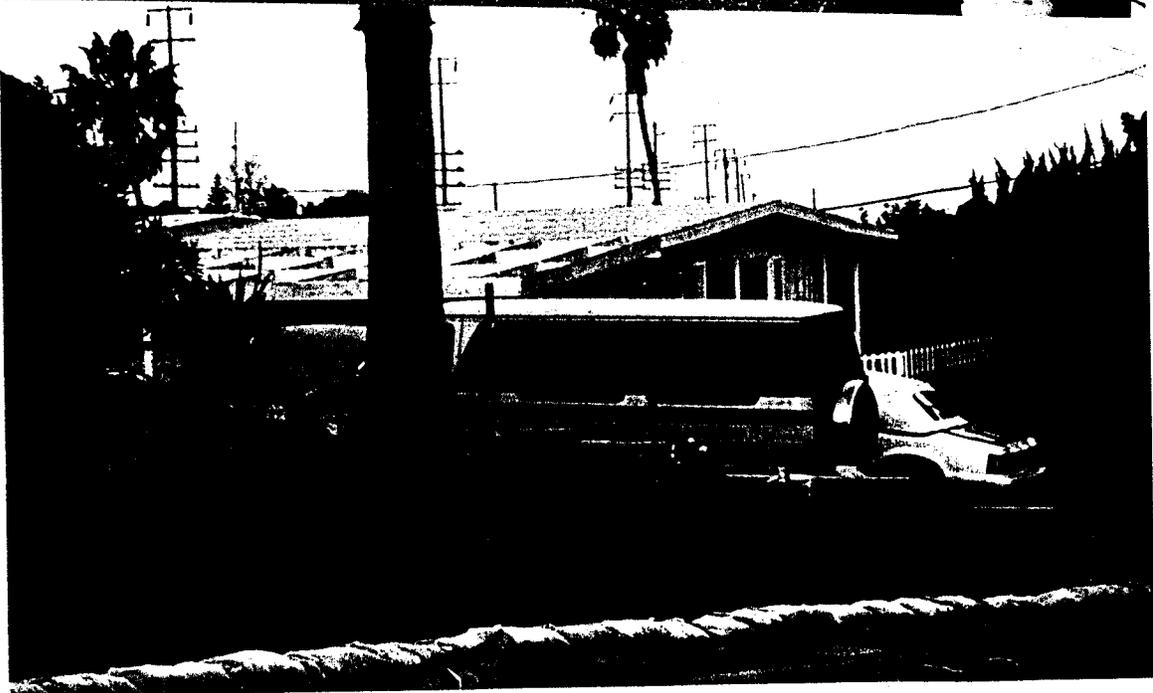
View up the street from 5372 Deris Way.
Vehicle parked, hampered view.



Property at
5372 Davis
Way. Has
view toward
ocean and
Santa Monica
Mountains.



Note location
of vehicles
where fence
markers
begin.





Example of two, four foot fences presently in the neighborhood.



NOTHING SET PT. ON
PER TIES PER CITY OF
TORRANCE F.B. 94-100

Ⓢ

ED. L&TAG

12.50'

2.30'

SET SCRIBED "+"

10.20'

EAST FACE OF WALL
1/2" ENCROACHMENT

$N36^{\circ}07'05"E$
RAD.

23.30

EAST FACE OF WALL
7/8" ENCROACHMENT

VERT. R/R TIE
6" CLEAR

SET NAIL & TIN

1.50'

50.12'

R/R TIE WALL

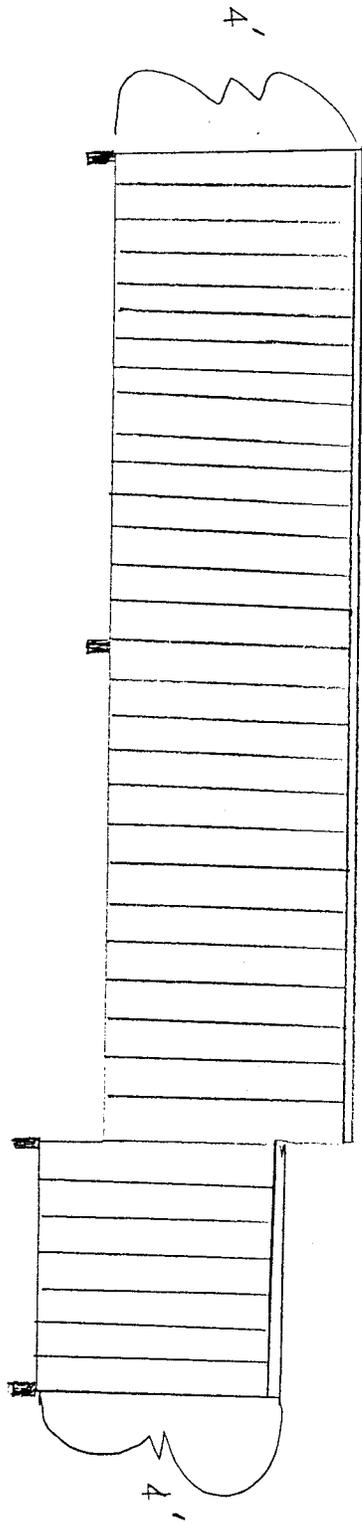
86.63'

233.42'

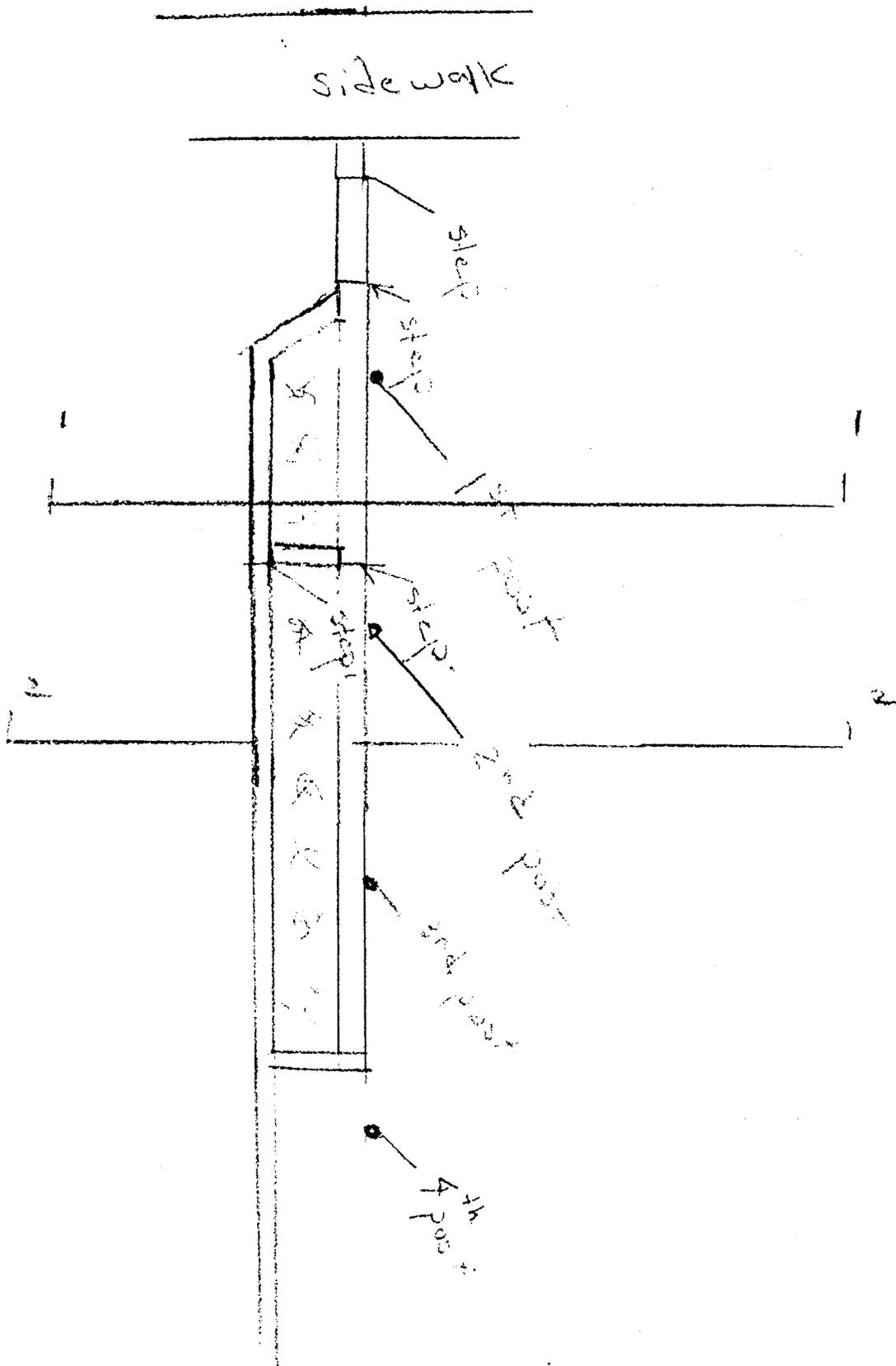
VERT. R/R TIE

Area of planned fence

MILLER PRC
5364 DORIS



1
1
2



NOTICE

CITY COUNCIL

NOTICE IS HEREBY GIVEN that the
 of a Planning Commission approval of a Minor Hillside Exemption to allow
 will bear an appeal
 a 4-foot fence along the western property line in the front yard on property located in the
 Hillside Overlay District in the R-1 Zone.

Applicant: MARGARET MILLER Case Type: MIS06-00021
 Location: 5364 DORIS WAY (As shown on map)
 Meeting date: MAY 9, 2006 Time: 7:00 PM
 Place of meeting: Council Chambers, City Hall, 3031 Torrance Boulevard

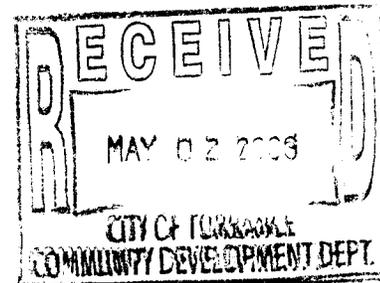
FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPARTMENT AT (310) 618-5990

CITY OF TORRANCE
 POSTED BY
SAC
 4-27-06
 DATE:

CORRESPONDENCE RECEIVED FROM APPLICANT

Timeline for Fence @ 5364 Doris Way**Date**

- November 26, 2005** – Dig and pour foundations for fence.
- Early December, 2005**- Undated notice left at door from City Inspector Dean Martin indicating that as long as fence is less than 3 ft high it is ok to proceed with construction.
- December 8, 2005** - While nothing is done on fence, receive a second notice from Dean Martin informing us to stop all work and obtain a permit.
- December 12, 2005**- Karen Miller, owner's daughter, meets with Curt Dittman (Engineer for City) to present information on fence and inquire about obtaining a permit. Also meets with John Nance about possible impact on neighbor's view. John prints aerial photo and assures Karen the fence would not violate City guidelines regarding view. John suggests we take exact measurements to verify his findings.
- December 14, 2005**- Jim Burk, Marge Miller's friend obtains measurements from 5364 and 5372 Doris Way and meets with John Nance. Again assured by John that view would not violate City guidelines.
- December 15, 2005**- Marge Miller obtains permit for 3 ft fence. She is informed Don Litts (City Inspector) will be by the property to inspect. She requests that she be allowed to postpone Don's visit until some one can meet him at the property to answer any questions.
- December 22, 2005**- Don Litts comes to property without being called. Issues a Stop Work Order because concrete has been poured and view impact.
- January 4, 2006**- Marge Miller requests a meeting with Don Litts and John Nance. However, instead meets with Danny Santana, Sharron Jones and Felipe Segovia. They show us a letter written by James Williams asking the City to stop the fence. Letter dated December 12, 2005, but submitted to City on December 15, 2005.



CORRESPONDENCE RECEIVED FROM APPLICANT

- January 5, 2006-** Danny Santana and Sharron Jones come to site and take measurements of both properties. Both indicate that if first post is moved 3 feet south, then fence height could be four feet and City would approve. This puts first post 17 ft from back of curb. When informed of decision, James Williams indicates he will appeal decision.
- January 26, 2006-** Letter from Community Development approving the fence.
- February 1, 2006-** James Williams files an appeal to Planning Commission.
- February 15, 2006-** James Williams request postponement of Planning meeting. Rescheduled for March 1, 2006.
- March 1, 2006-** Planning Commission approves fence 6-0.
- March 9, 2006-** James Williams files an appeal to City Council.

CORRESPONDENCE RECEIVED FROM APPLICANT

Mr. and Mrs. Rainer Weidemann
5356 Doris Way
Torrance, CA 90505

May 2, 2006

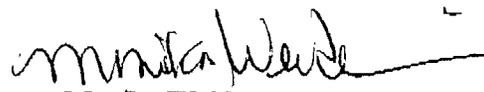
Dear Torrance City Council:

We have lived next door to Marge Miller for 28 years. Her husband died 11 years ago, and since then, she and her family have made numerous improvements to their property and in their home. She recently installed a new City sidewalk, driveway and entryway. The subject fence will complete the front yard makeover. We have reviewed the plans carefully and highly approve of their charming, natural look that Marge is striving to achieve. She has always been a helpful and generous neighbor.

We wholeheartedly approve this project.

Sincerely,


Rainer Weidemann


Monika Weidemann

Daily Breeze

5215 TORRANCE BLVD * TORRANCE CALIFORNIA 90503-4077
(310) 543-6635 * (310) 540-5511 Ext. 396

PROOF OF PUBLICATION (201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146

that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

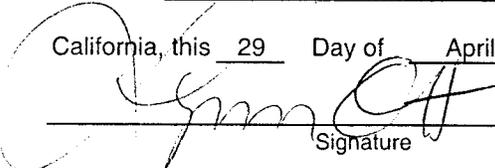
April 29,

all in the year 2006

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Torrance

California, this 29 Day of April 2006


Signature

This space is for the County Clerk's Filing Stamp

2006 MAY -9 PM 1:46

CLERK OF SUPERIOR COURT

Proof of Publication of

DB

DB 4-179

NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that a Public Meeting will be held before the Torrance City Council at 7:00 p.m., May 9, 2006, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter: **MIS06-00021, MARGARET MILLER:**

City Council consideration of an appeal of a Planning Commission approval of a Minor Hillside Exemption (MIS06-00021) to allow the construction of a four-foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the meeting or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public meeting.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public meeting, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerks office at 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title III]

For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

**SUE HERBERS
CITY CLERK**

Pub.: April 29, 2006.

PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance, California 90503.

On April 27, 2006, I caused to be mailed 3 copies of the within letter for City Council meeting of May 9, 2006 – MIS06-00021 (MARGARET MILLER)

to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance, California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 27, 2006, at Torrance, California.

Adel M. Castro
(signature)

CITY OF TORRANCE
 Community Development Department
 3031 Torrance Boulevard
 Torrance, CA 90503

NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that a Public Meeting will be held before the Torrance City Council at 7:00 p.m., May 9, 2006, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

MIS06-00021, MARGARET MILLER: City Council consideration of an appeal of a Planning Commission approval of a Minor Hillside Exemption (MIS06-00021) to allow the construction of a four-foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way.

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For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

Publish: April 29, 2006

**SUE HERBERS
 CITY CLERK**

Three (3) notices mailed 4/27/06 - ac



NOTICE

Of Public Hearing

NOTICE IS HEREBY GIVEN that the **PLANNING COMMISSION**
will hear a request for **a Minor Hillside Exemption to allow the construction of a 4-foot fence located along the side of the front yard to an existing single family residence located in the Hillside Overlay District in the R-1 zone.**

Applicant: **Margaret Miller** Case Type & Case number: **MIS06-00021**
Location: **5364 Doris Way**
Hearing date: **March 1th, 2006** Time: **7:00 PM**
Place of hearing: **Council Chambers, City Hall, 3031 Torrance Boulevard**

FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPARTMENT AT (310) 618-5990

CITY OF TORRANCE
POSTED BY
[Signature]
DATE: **2/23/06**

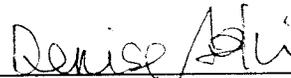
PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **February 2, 2006**, I caused to be mailed **3** copies of the within notification for Planning Commission **MIS06-00021: MARGARET MILLER** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed **February 2, 2006**, at Torrance California.

A handwritten signature in cursive script, appearing to read "Denise Ali", is written over a horizontal line.

(signature)

CITY OF TORRANCE
 Community Development Department
 3031 Torrance Boulevard
 Torrance, CA 90503

NOTICE OF PLANNING COMMISSION REVIEW

NOTICE IS HEREBY GIVEN that the subject matter will be reviewed before the City of Torrance Planning Commission at **7:00 P.M., FEBRUARY 15, 2006**, in the City Council Chambers, City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

MIS06-00021: MARGARET MILLER

Planning Commission review of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow a 4 foot fence along the western side yard in the front yard along on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the Community Development Department, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503.

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For further information, contact the DEVELOPMENT REVIEW DIVISION of the Community Development Department at (310) 618-5990.

JEFFERY W. GIBSON
 Community Development Director

NOTHING SET PT. ON A
PER 8 TIES PER CITY OF
TORRANCE F.B. 94-100

Ⓢ

ED. L&TAG

2.30'

12.50'

SET SCRIBED "+"

10.20'

EAST FACE OF WALL
1/2" ENCROACHMENT

$N36^{\circ}07'05"E$
RAD.

23.30

EAST FACE OF WALL
7/8" ENCROACHMENT

SET NAIL & TIN

VERT. R/R TIE
6 3/4" CLEAR

1.50'

50.12

R/R TIE WALL

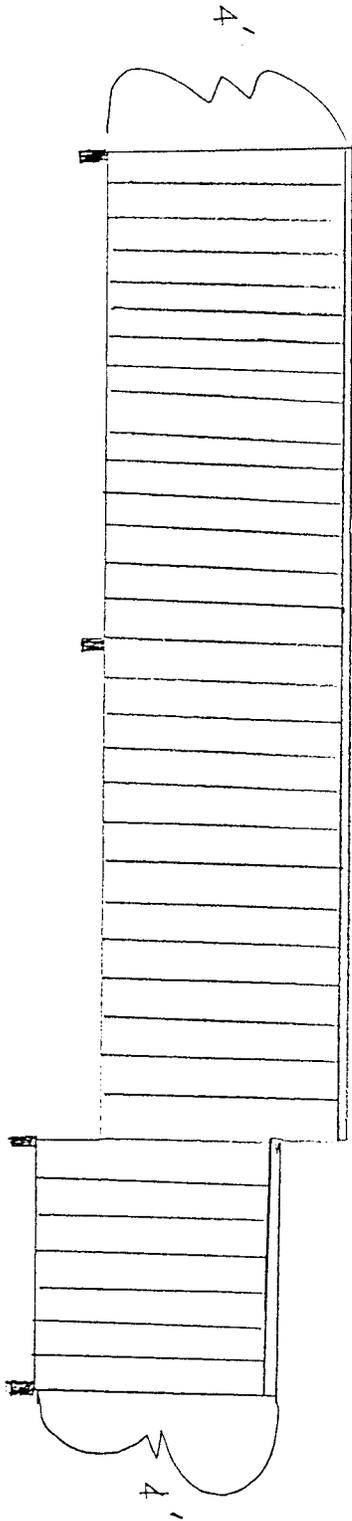
86.63

233.42'

VERT R/R TIE

Area of planned fence

MILLER PR
5364 DORI



1
2

